



# *The Journal* OF THE *House of Representatives*

Number 25

Thursday, April 11, 2013

The House was called to order by the Speaker at 10:30 a.m.

## Prayer

The following prayer was offered by Elder Lawrence Reed of St. Mary's Primitive Baptist Church of Tallahassee, upon invitation of Rep. Goodson.

Dear Heavenly Father, I stand here today humbled by the task You have given me, grateful for the truth You have bestowed upon me. I pray now, O Lord, for Your blessings upon our great state. Lord, the challenges we face are real, they are serious, and they are many. They will not be met easily or in a short span of time, but we know that they will be met because You said in Your holy word that You will supply our every need. So this day we gather because we have chosen hope over fear, unity of purpose over conflict and discord. Heavenly Father, rally every elected official—the Republicans, the Democrats, the Independents—around Your common good, so that the State of Florida and America will truly become one nation, under God, indivisible, with liberty, justice, and equal opportunity for all, including the least, the last, the lost. God, I declare Your blessings to shower upon our Speaker, Will Weatherford. Bless him, his family, his administration, Lord, that no weapon—no weapon—formed against them shall prosper. Lord, we are a nation of faith. We believe that in difficult times we will persevere. We believe that in difficult times that You will lift us up and give us the hand we need to be victorious in our lives as individuals and as a state. I humbly ask this in the name of the One who changed my life, Jesus, the One who taught us to pray—Our Father who art in heaven, hallowed be Thy name. Thy kingdom come. Thy will be done on earth as it is in heaven. Give us this day our daily bread, and forgive us our trespasses, as we forgive those who trespass against us, and lead us not into temptation, but deliver us from evil. For Thine is the kingdom, the power, and the glory forever. Amen, amen, amen.

## Moment of Silence

At the request of Rep. A. Williams, the House observed a moment of silence in memory of former Leon County Commissioner Ed DePuy, who passed away on April 5, 2013.

The following members were recorded present:

Session Vote Sequence: 77

Speaker Weatherford in the Chair.

Adkins	Beshears	Campbell
Ahern	Bileca	Clarke-Reed
Albritton	Boyd	Clelland
Antone	Bracy	Coley
Artiles	Brodeur	Combee
Baxley	Broxson	Corcoran
Berman	Caldwell	Crisafulli

Cruz
Cummings
Danish
Davis
Diaz, J.
Diaz, M.
Dudley

Eagle	Lee	Precourt	Smith
Edwards	Magar	Pritchett	Spano
Fasano	Mayfield	Raburn	Stafford
Fitzenhagen	McBurney	Rader	Stark
Fresen	McGhee	Rangel	Steube
Fullwood	McKeel	Raschein	Stewart
Gaetz	Metz	Raulerson	Stone
Gibbons	Moraitis	Reed	Taylor
Gonzalez	Moskowitz	Rehwinkel Vasilinda	Thurston
Goodson	Nelson	Renuart	Tobia
Grant	Nuñez	Richardson	Torres
Harrell	Oliva	Roberson, K.	Trujillo
Holder	O'Toole	Rodriguez, R.	Van Zant
Hood	Pafford	Rodriguez, J.	Waldman
Hooper	Passidomo	Rogers	Watson, B.
Hudson	Patronis	Rooney	Watson, C.
Hutson	Perry	Rouson	Weatherford
Ingram	Peters	Santiago	Williams, A.
Jones, M.	Pigman	Saunders	Wood
Jones, S.	Pilon	Schenck	Workman
Kerner	Porter	Schwartz	Young
La Rosa	Powell	Slosberg	Zimmermann

(A list of excused members appears at the end of the *Journal*.)

A quorum was present.

## Pledge

The members, led by the following, pledged allegiance to the Flag: Desmond Auber of Tallahassee at the invitation of Rep. Rehwinkel Vasilinda; Julian Boaz of Tampa at the invitation of Rep. Passidomo; Gabriel Cenedella of Tallahassee at the invitation of the Speaker; Katherine Corcoran of Land O' Lakes at the invitation of Rep. Corcoran; Madeline Jeffes of Hernando at the invitation of the Speaker; William Morton of Sarasota at the invitation of Rep. Pilon; Francesco Pucci of Palm Harbor at the invitation of Rep. Hooper; and Hanna Triplett of Tallahassee at the invitation of Rep. A. Williams.

## House Physician

The Speaker introduced Dr. Jason Pirozzolo of Winter Garden, who served in the Clinic today upon invitation of Rep. Brodeur.

## Correction of the *Journal*

The *Journal* of March 12, was corrected and approved as follows: On page 228, column 2, line 17 from the top, delete said line and insert "Pursuant to HCR 8003, the members of the Senate, escorted by the" in lieu thereof.

The *Journal* of April 10, was corrected and approved as follows: On page 458, column 1, line 12 from the bottom, delete "SB 406" and insert "CS/SB 406" in lieu thereof.

## Reports of Committees and Subcommittees

### Reports of the Rules & Calendar Committee

*The Honorable Will Weatherford*  
*Speaker, House of Representatives*

April 9, 2013

*Dear Mr. Speaker:*

Your Rules & Calendar Committee herewith submits the Special Order for Thursday, April 11, 2013. Consideration of the House bills on Special Orders shall include the Senate Companion measures on the House Calendar.

#### I. Consideration of the following bills:

HB 5501 - Agriculture & Natural Resources Appropriations  
 Subcommittee, Albritton  
 Weights and Measures Instruments and Devices

HB 5503 - Agriculture & Natural Resources Appropriations  
 Subcommittee, Broxson  
 Fish and Wildlife Conservation Commission

HB 5401 - Government Operations Appropriations Subcommittee,  
 Ingram  
 Transparency in State Contracting

#### II. Consideration of the following bills:

HB 5601 - Finance & Tax Subcommittee, Workman  
 Economic Development

HB 7099 - Finance & Tax Subcommittee, Workman  
 Corporate Income Tax

HB 5301 - Justice Appropriations Subcommittee, McBurney  
 Clerks of Court

HB 5201 - Health Care Appropriations Subcommittee, Hudson  
 Medicaid

HB 5203 - Health Care Appropriations Subcommittee, Hudson  
 Community-based Care

CS/HB 5101 - Appropriations Committee, Education  
 Appropriations Subcommittee, & others  
 Education Funding

HB 5013 - Appropriations Committee, McKeel  
 Health Benefits for OPS Employees

HB 5009 - Appropriations Committee, McKeel  
 Information Technology Governance

HB 5011 - Appropriations Committee, McKeel  
 Trust Funds/State Technology Working Capital Trust Fund

HB 5007 - Appropriations Committee, McKeel  
 Collective Bargaining

HB 5005 - Appropriations Committee, McKeel  
 Florida Retirement System

HB 5003 - Appropriations Committee, McKeel  
 Implementing 2013-2014 General Appropriations Act

HB 5001 - Appropriations Committee, McKeel  
 General Appropriations Act

CS/CS/HB 7091 - Education Committee, Education  
 Appropriations Subcommittee, & others  
 K-20 Education

#### III. Consideration of the following bills:

CS/CS/HB 7001 - Education Committee, Rulemaking  
 Oversight & Repeal Subcommittee, & others  
 Repeal of Education Provisions

CS for SB 1096 - Education, Montford  
 Repeal of Education Provisions

CS/CS/HB 7023 - Regulatory Affairs Committee,  
 Agriculture & Natural Resources Appropriations  
 Subcommittee, & others  
 Department of Agriculture and Consumer Services

CS/HB 93 - Healthy Families Subcommittee, Reed,  
 & others  
 Homelessness

CS/HB 423 - Agriculture & Natural Resources  
 Subcommittee, Adkins, & others  
 Tax On Sales, Use & Other Transactions

CS/HB 731 - Criminal Justice Subcommittee, Kerner,  
 & others  
 Pub. Rec./Spouses & Children of Law Enforcement  
 Personnel

CS/HB 7051 - Education Committee, Higher Education &  
 Workforce Subcommittee, & others  
 Resident Status for Tuition Purposes

HB 4013 - Santiago  
 Tax Refund Programs

HB 4001 - Gaetz, Perry, & others  
 Florida Renewable Fuel Standard Act

CS/CS/HB 707 - Agriculture & Natural Resources  
 Appropriations Subcommittee, Agriculture & Natural  
 Resources Subcommittee, & others  
 Domestic Wastewater Discharged through Ocean  
 Outfalls

CS/CS/HB 457 - Business & Professional Regulation  
 Subcommittee, Civil Justice Subcommittee, & others  
 Collection of Worthless Payment Instruments

CS/HB 607 - Civil Justice Subcommittee, Rogers, & others  
 Canned or Perishable Food Distributed Free of Charge

CS/CS/HB 537 - Local & Federal Affairs Committee,  
 Economic Development & Tourism Subcommittee,  
 & others  
 Growth Management

HB 191 - Raulerson, Cummings, & others  
 Theft of Utility Services

CS/CS/CS/HB 489 - Judiciary Committee, Justice  
 Appropriations Subcommittee, & others  
 Railroad Police Officers

CS/HB 311 - Justice Appropriations Subcommittee  
 Costs of Prosecution, Investigation, and Representation

CS/HB 353 - Criminal Justice Subcommittee, Harrell,  
& others  
Juvenile Justice

CS/HB 571 - Criminal Justice Subcommittee, Roberson, K.,  
& others  
Marshal of Supreme Court

CS/HB 663 - Economic Development & Tourism  
Subcommittee, Hudson, & others  
Economic Gardening Technical Assistance Program

CS/HB 953 - Criminal Justice Subcommittee, Nuñez,  
& others  
Warrants

HB 7035 - Criminal Justice Subcommittee, Eagle, & others  
Pretrial Detention

HB 941 - Schwartz  
Fees and Costs Incurred in Guardianship Proceedings

CS/HB 943 - Judiciary Committee, Schwartz  
Public Records

A quorum was present in person, and a majority of those present agreed to the above Report.

Respectfully submitted,  
*Robert C. Schenck*, Chair  
Rules & Calendar Committee

On motion by Rep. Schenck, the above report was adopted.

## Special Orders

**HB 5501**—A bill to be entitled An act relating to weights and measures instruments and devices; creating s. 531.67, F.S., and repealing s. 40, ch. 2009-66, Laws of Florida, relating to commercial use permits for weights and measures instruments and devices, to provide for codification in the Florida Statutes of the expiration of specified provisions and extension of the expiration date; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

**HB 5503**—A bill to be entitled An act relating to the Fish and Wildlife Conservation Commission; amending ss. 328.72 and 379.354, F.S.; deleting provisions for periodic adjustments of certain fees based on changes in the Consumer Price Index; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

**HB 5401**—A bill to be entitled An act relating to transparency in state contracting; amending s. 215.985, F.S.; requiring the Chief Financial Officer to establish and maintain a secure website for public viewing of information contained in the contract tracking system; requiring state agencies to post certain information to the contract tracking system; requiring that exempt and confidential information be redacted from contracts posted on the system; providing a process for state agencies when a document has not been properly redacted; providing a method for a party to a contract to notify a state agency that a document has not been properly redacted and to request redaction; requiring the display of a notice of the right of an affected party to request redaction; providing that certain persons are not responsible for redacting confidential or exempt information and are not liable for failure of a state agency to redact the information; providing that posting information on the contract tracking system does not supersede the duty of a state agency to

respond to a public records request; providing for service of a subpoena; authorizing the Chief Financial Officer to adopt rules; defining the term "state agency"; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

**HB 5601**—A bill to be entitled An act relating to economic development; amending s. 210.20, F.S.; revising the length of time that certain cigarette tax collections are dedicated as a funding source for the Department of Health to establish activities and grant opportunities in conjunction with the Sanford-Burnham Medical Research Institute for purposes relating to biomedical research; amending s. 212.08, F.S., relating to exemptions from the sales, rental, use, consumption, distribution, and storage tax; establishing a lower takeoff weight threshold for rotary wing aircraft qualifying for certain tax exemptions; amending s. 212.20, F.S.; requiring the Department of Revenue to distribute a specified amount of money to certain applicants if a spring training franchise uses the applicant's facility; specifying time periods and limitations on distributions; amending ss. 288.1045 and 288.106, F.S.; deleting caps on tax refunds for qualified defense contractors and space flight businesses and for qualified target industry businesses; creating s. 288.11631, F.S.; providing definitions; establishing a certification process to retain spring training baseball franchises; authorizing and prohibiting certain uses of the awarded funds; requiring a certified applicant to submit an annual report and requiring the Department of Economic Opportunity to publish such information; providing for decertification of a certified applicant; requiring the department to adopt rules; authorizing the Auditor General to conduct audits; amending s. 288.9914, F.S.; revising limitations on qualified investments that may be approved by the Department of Economic Opportunity under the New Markets Development Program; specifying a period during which the sale of clothing, wallets, bags, school supplies, personal computers, and personal computer-related accessories are exempt from the sales tax; providing definitions; providing exceptions; authorizing the Department of Revenue to adopt emergency rules; providing an appropriation; providing effective dates.

—was read the second time by title.

Representative Rehwinkel Vasilinda offered the following:

(Amendment Bar Code: 165177)

**Amendment 1 (with title amendment)**—Remove lines 215-462 and insert:

e. The department shall distribute up to \$55,555 monthly to each certified applicant as defined in s. 288.11631 for a facility used by a single spring training franchise, or up to \$111,110 monthly to each certified applicant as defined in s. 288.11631 for a facility used by more than one spring training franchise. The department shall distribute up to \$55,555 monthly to each certified applicant as defined in s. 288.11631 for a performing arts center. Monthly distributions begin 60 days after such certification or July 1, 2016, whichever is later, and continue for not more than 30 years, except as otherwise provided in s. 288.11631. A certified applicant identified in this sub-subparagraph may not receive more in distributions than expended by the applicant for the public purposes provided in s. 288.11631(3). The department may not distribute more than \$3,300,000 per year to applicants certified under s. 288.11631.

7. All other proceeds must remain in the General Revenue Fund.

Section 4. Present paragraphs (d) through (h) of subsection (2) of section 288.1045, Florida Statutes, are redesignated as paragraphs (c) through (g), respectively, and present paragraph (c) of that subsection is amended to read:

288.1045 Qualified defense contractor and space flight business tax refund program.—

(2) GRANTING OF A TAX REFUND; ELIGIBLE AMOUNTS.—

~~(e) A qualified applicant may not receive more than \$7 million in tax refunds pursuant to this section in all fiscal years.~~

Section 5. Paragraph (c) of subsection (3) of section 288.106, Florida Statutes, is amended to read:

288.106 Tax refund program for qualified target industry businesses.—

(3) TAX REFUND; ELIGIBLE AMOUNTS.—

(c) A qualified target industry business may not receive refund payments of more than 25 percent of the total tax refunds specified in the tax refund agreement under subparagraph (5)(a)1. in any fiscal year. Further, a qualified target industry business may not receive more than \$1.5 million in refunds under this section in any single fiscal year, or more than \$2.5 million in any single fiscal year if the project is located in an enterprise zone. ~~A qualified target industry business may not receive more than \$7 million in refund payments under this section in all fiscal years, or more than \$7.5 million if the project is located in an enterprise zone.~~

Section 6. Section 288.11631, Florida Statutes, is created to read:

288.11631 Performing arts centers and retention of Major League Baseball spring training baseball franchises.—

(1) DEFINITIONS.—As used in this section, the term:

(a) "Agreement" means a certified, signed lease between an applicant that applies for certification on or after July 1, 2013, and a spring training franchise for the use of a facility.

(b) "Applicant" means a unit of local government as defined in s. 218.369, including a local government located in the same county, which has partnered with a certified applicant before the effective date of this section or with an applicant for a new certification, for purposes of sharing in the responsibilities of a facility.

(c) "Certified applicant" means a facility for a spring training franchise or a unit of local government that is certified under this section.

(d) "Facility" means a spring training stadium, playing fields, and appurtenances intended to support spring training activities.

(e) "Local funds" and "local matching funds" mean funds provided by a county, municipality, or other local government.

(f) "Performing arts center" means a facility that consists of one or more theaters, each having 3,500 or fewer seats, that presents performing arts events, and that is owned and operated by a unit of local government.

(g) "Performing arts event" means live theater, live opera, live ballet, or other live performance events.

(2) CERTIFICATION PROCESS.—

(a) Before certifying an applicant to receive state funding for a facility for a spring training franchise or performing arts center, the department must verify that:

1. The applicant is responsible for the construction or renovation of the facility for a spring training franchise or a performing arts center or holds title to the property on which the facility for a spring training franchise or performing arts center is located.

2. For a facility for a spring training franchise, the applicant has a certified copy of a signed agreement with a spring training franchise. The signed agreement with a spring training franchise for the use of a facility must, at a minimum, be equal to the length of the term of the bonds issued for the public purpose of constructing or renovating a facility for a spring training franchise. If no such bonds are issued for the public purpose of constructing or renovating a facility for a spring training franchise, the signed agreement with a spring training franchise for the use of a facility must be for at least 20 years. Any such agreement with a spring training franchise for the use of a facility cannot be signed more than 3 years before the expiration of any existing agreement with a spring training franchise for the use of a facility. The agreement must also require the franchise to reimburse the state for state funds expended by an applicant under this section if the franchise relocates before the agreement expires. The agreement may be contingent on an award of funds under this section and other conditions precedent.

3. The applicant has made a financial commitment to provide 50 percent or more of the funds required by an agreement for the construction or renovation of the facility for a spring training franchise or performing arts center. The commitment may be contingent upon an award of funds under this section and other conditions precedent.

4. The applicant demonstrates that the facility for a spring training franchise or performing arts center will attract a paid attendance of at least 50,000 persons annually.

5. The facility for a spring training franchise or performing arts center is located in a county that levies a tourist development tax under s. 125.0104.

6. The applicant for a performing arts center has established that the performing arts center will be located in a community with a longstanding commitment to the arts as evidenced by ongoing artistic activities that include, but are not limited to, ballet, opera, theater, and dance.

(b) The department shall evaluate applications for state funding of the construction or renovation of the facility for a spring training franchise or performing arts center. The evaluation criteria must include the following items:

1. The anticipated effect on the economy of the local community where the facility is to be constructed or renovated, including projections on paid attendance, local and state tax collections generated by spring training games or performing arts events, and direct and indirect job creation resulting from the spring training activities or performing arts events.

2. The amount of the local matching funds committed to a facility relative to the amount of state funding sought.

3. The potential for the facility to be used as a multiple purpose, year-round facility.

4. The intended use of the funds by the applicant.

5. For a facility for a spring training franchise, the length of time that a spring training franchise has been under an agreement to conduct spring training activities within an applicant's geographic location or jurisdiction.

6. The length of time that an applicant's facility has been used by one or more spring training franchises, including continuous use as facilities for spring training, or the length of time that an applicant's facility has been used for performing arts events.

7. For a facility for a spring training franchise, the term remaining on a lease between an applicant and a spring training franchise for a facility.

8. For a facility for a spring training franchise, the length of time that a spring training franchise agrees to use an applicant's facility if an application is granted under this section.

9. The location of the facility in a brownfield, an enterprise zone, a community redevelopment area, or other area of targeted development or revitalization included in an urban infill redevelopment plan.

(c) Each applicant certified on or after July 1, 2013, shall enter into an agreement with the department which:

1. Specifies the amount of the state incentive funding to be distributed. The amount of state incentive funding per certified applicant may not exceed \$20 million. However, if a certified applicant has more than one spring training franchise, the maximum amount may not exceed \$40 million.

2. States the criteria that the certified applicant must meet in order to remain certified. For a facility for a spring training franchise, these criteria must include a provision stating that the spring training franchise must reimburse the state for any funds received if the franchise does not comply with the terms of the contract.

3. States that the certified applicant is subject to decertification if the certified applicant fails to comply with this section or the agreement.

4. States that the department may recover state incentive funds if the certified applicant is decertified.

5. Specifies the information that the certified applicant must report to the department.

6. Includes any provision deemed prudent by the department.

(3) USE OF FUNDS.—

(a) A certified applicant may use funds provided under s. 212.20(6)(d)6.e. only to:

1. Serve the public purpose of constructing or renovating a facility for a spring training franchise or acquiring, constructing, reconstructing, renovating, performing capital improvement, or maintaining a performing arts center or any ancillary facilities including parking structures, meeting rooms, and retail and concession space.

2. Pay or pledge for the payment of debt service on, or to fund debt service reserve funds, arbitrage rebate obligations, or other amounts payable with respect thereto, bonds issued for the construction or renovation of a facility for a spring training franchise or the acquisition, construction, reconstruction, renovation, capital improvement, or maintenance of a performing arts center.

or for the reimbursement of such costs or the refinancing of bonds issued for such purposes.

(b) State funds awarded to a certified applicant for a facility for a spring training franchise may not be used to subsidize facilities that are privately owned by, maintained by, and used exclusively by a spring training franchise.

(c) The Department of Revenue may not distribute funds under 212.20(6)(d)6.e. until July 1, 2016. Further, the Department of Revenue may not distribute funds to an applicant certified on or after July 1, 2013, until it receives notice from the department that:

1. The certified applicant has encumbered funds under either subparagraph (a)1. or 2.; and

2. If applicable, any existing agreement with a spring training franchise for the use of a facility has expired.

(d)1. All certified applicants shall place unexpended state funds received pursuant to s. 212.20(6)(d)6.e. in a trust fund or separate account for use only as authorized in this section.

2. An applicant certified for a facility for a spring training franchise may request that the Department of Revenue suspend further distributions of state funds made available under s. 212.20(6)(d)6.e. for 12 months after expiration of an existing agreement with a spring training franchise to provide the certified applicant with an opportunity to enter into a new agreement with a spring training franchise, at which time the distributions shall resume.

3. The expenditure of state funds distributed to an applicant certified after July 1, 2013, must begin within 48 months after the initial receipt of the state funds. In addition, the construction or renovation of a spring training facility or the acquisition, construction, reconstruction, renovation, or capital improvement of a performing arts center must be completed within 24 months after the project's commencement.

#### (4) ANNUAL REPORTS.—

(a) On or before September 1 of each year, a certified applicant shall submit to the department a report that includes, but is not limited to:

1. A detailed accounting of all local and state funds expended to date on the project financed under this section.

2. For a facility for a spring training franchise, a copy of the contract between the certified local governmental entity and the spring training franchise.

3. A cost-benefit analysis of the team's or performing arts facility's impact on the community.

4. Evidence that the certified applicant continues to meet the criteria in effect when the applicant was certified.

(b) The department shall compile the information received from each certified applicant and publish the information annually by November 1.

#### (5) DECERTIFICATION.—

(a) The department shall decertify a certified applicant upon the request of the certified applicant.

(b) The department shall decertify a certified applicant if the certified applicant does not:

1. Have a valid agreement with a spring training franchise if certification was based on a facility for a spring training franchise; or

2. Satisfy its commitment to provide local matching funds to the facility.

However, for applicants certified for a facility for a spring training franchise, decertification proceedings against a local government certified after July 1, 2013, shall be delayed until 12 months after the expiration of the local government's existing agreement with a spring training franchise, and without a new agreement being signed, if the certified local government can demonstrate to the department that it is in active negotiations with a major league spring training franchise, other than the franchise that was the basis for the original certification.

(c) A certified applicant has 60 days after it receives a notice of intent to decertify from the department to petition for review of the decertification. Within 45 days after receipt of the request for review, the department must notify a certified applicant of the outcome of the review.

(d) The department shall notify the Department of Revenue that a certified applicant has been decertified within 10 days after the order of decertification becomes final. The Department of Revenue shall immediately stop the

payment of any funds under this section which were not encumbered by the certified applicant under subparagraph (3)(a)2.

(e) The department shall order a decertified applicant to repay all of the unencumbered state funds that the applicant received under this section and any interest that accrued on those funds. The repayment must be made within 60 days after the decertification order becomes final. These funds shall be deposited into the General Revenue Fund.

(f) A local government as defined in s. 218.369 may not be decertified by the department if it has paid or pledged for the payment of debt service on, or to fund debt service reserve funds, arbitrage rebate obligations, or other amounts payable with respect thereto, bonds issued for the acquisition, construction, reconstruction, renovation, or capital improvement of the facility for which the local government was

### TITLE AMENDMENT

Remove lines 15-23 and insert:

of money to applicants certified for a facility for a spring training franchise or performing arts center; specifying time periods and limitations on distributions; amending ss. 288.1045 and 288.106, F.S.; deleting caps on tax refunds for qualified defense contractors and space flight businesses and for qualified target industry businesses; creating s. 288.11631, F.S.; providing definitions; establishing a certification process for spring training baseball franchises and performing arts centers;

Rep. Rehwinkel Vasilinda moved the adoption of the amendment, which failed of adoption.

Further consideration of **HB 5601** was temporarily postponed.

**HB 7099**—A bill to be entitled An act relating to corporate income tax; amending s. 220.03, F.S.; providing for the adoption of the 2013 version of the Internal Revenue Code; amending s. 220.13, F.S.; specifying the treatment by this state of certain depreciation and expensing of assets that are allowed for federal income tax purposes; authorizing the executive director of the Department of Revenue to adopt emergency rules; providing for retroactive effect; providing an effective date.

—was read the second time by title.

Further consideration of **HB 7099** was temporarily postponed.

**HB 5301**—A bill to be entitled An act relating to clerks of court; transferring the Clerks of the Court Trust Fund from the Justice Administrative Commission to the Department of Revenue; amending s. 11.90, F.S.; providing additional duties of the Legislative Budget Commission relating to clerks of court; amending s. 28.241, F.S.; revising distribution of filing fees; revising references to trust funds; repealing s. 28.2455, F.S., relating to transfer of trust funds in excess of amount needed for clerk budgets; amending s. 28.246, F.S.; conforming provisions to changes made by the act; amending s. 28.35, F.S.; deleting provisions providing for the housing of the Florida Clerks of Court Operations Corporation; revising duties of the corporation; defining terms; providing requirements for annual submission of a proposed budget and related information; revising provisions concerning functions that may and may not be funded from specified sources; revising distribution of the corporation's audit report; amending s. 28.36, F.S.; specifying that only certain functions may be funded from fees, service charges, costs, and fines retained by the clerks of the court; revising provisions relating to preparation of budget requests by clerks; providing for reporting and certification of revenue deficits; providing procedures for retention of additional revenues by clerks in the event of a deficit; providing for the release of funds from a specified trust fund to relieve such a deficit in certain circumstances; providing for increases in previously authorized budgets in certain circumstances; deleting provisions relating to review of budgets and related information; creating s. 28.365, F.S.; providing that clerks of court and the Florida Clerks of Court

Operations Corporation are subject to specified procurement requirements for expenditures made pursuant to specified provisions; amending s. 28.37, F.S.; providing that a portion of all fines, fees, service charges, and costs collected by the clerks of the court that exceeds a specified portion of the clerk's annual budget be remitted to a specified trust fund; providing for remission of certain excess collections to the department for deposit into the General Revenue Fund on specified dates; providing for deposit of such funds in a specified trust fund in certain circumstances; providing for collection of certain funds due by the department; amending s. 34.041, F.S.; conforming provisions to changes made by the act; revising distribution of certain fees; amending ss. 43.16 and 110.205, F.S.; conforming provisions to changes made by the act; amending s. 142.01, F.S.; revising the funds deposited in each county's fine and forfeiture fund; deleting provisions specifying that certain moneys are considered state funds; amending s. 213.131, F.S.; conforming provisions to changes made by the act; amending s. 215.22, F.S.; exempting certain moneys deposited in the Clerks of the Court Trust Fund from a specified deduction; amending s. 216.011, F.S.; conforming provisions to changes made by the act; specifying the authorized budget for the clerks of the circuit court and the corporation for specified periods; requiring the corporation to determine budget amounts for the individual clerks for those periods; providing effective dates.

—was read the second time by title.

Further consideration of **HB 5301** was temporarily postponed.

**HB 5201**—A bill to be entitled An act relating to Medicaid; repealing s. 381.0403, F.S., relating to the Community Hospital Education Act; amending s. 395.602, F.S.; modifying the timeframe and requirements for the designation of a rural hospital; amending s. 409.905, F.S.; providing a prospective payment methodology for establishing hospital reimbursement rates; specifying dates by which local governmental entities must submit letters of agreement for intergovernmental transfers; deleting a requirement to develop a plan to convert Medicaid inpatient hospital rates to diagnosis-related groups; specifying dates by which the Agency for Health Care Administration must correct errors in rate calculations for inpatient and outpatient reimbursement rates; amending s. 409.908, F.S.; revising the current hospital inpatient reimbursement system to a diagnosis-related group system; amending s. 409.911, F.S.; revising the years of audited data used to determine Medicaid and charity care days for hospitals in the disproportionate share program; continuing Medicaid disproportionate share program distributions for nonstate government-owned or operated hospitals eligible for payment on a specified date; creating s. 409.9111, F.S.; establishing the Statewide Medicaid Graduate Medical Education program; requiring hospitals participating in the program to provide certain information to the agency; requiring the agency to allocate funds to hospitals based on certain criteria; providing a formula for calculating a participating hospital's allocation; authorizing the Agency for Health Care Administration to adopt rules; amending s. 409.9118, F.S.; revising the Medicaid disproportionate share program distribution criteria for specialty hospitals related to tuberculosis patient services; providing an effective date.

—was read the second time by title.

Further consideration of **HB 5201** was temporarily postponed.

**HB 5203**—A bill to be entitled An act relating to community-based care; amending s. 409.16713, F.S.; revising allocations of recurring core services funding for community-based care lead agencies; providing an effective date.

—was read the second time by title.

Further consideration of **HB 5203** was temporarily postponed.

**CS/HB 5101**—A bill to be entitled An act relating to education funding; amending s. 11.45, F.S.; requiring the Legislative Auditing Committee to refer certain financial matters to the State Board of Education or the Board of Governors; conforming provisions; amending ss. 218.50, 218.501, 218.503, and 218.504, F.S.; including Florida College System institutions and State University System institutions in annual financial audit and audit report requirements, determinations of financial emergency, financial management procedures, and cessation of state action upon resolution of financial emergency conditions; repealing s. 1001.27, F.S., relating to a state satellite network; amending s. 1001.28, F.S.; deleting a duty of the Department of Education to manage the state's satellite transponder resources; amending s. 1001.281, F.S.; revising funds deposited in the Operating Trust Fund; amending s. 1001.42, F.S.; revising district school board duties relating to virtual instruction; creating s. 1001.7065, F.S.; creating the preeminent state research universities program; establishing a collaborative partnership between the Board of Governors and the Legislature to elevate the academic and research preeminence of the highest-performing state research universities; establishing academic and research excellence standards for a university to be designated a preeminent state research university; providing for a preeminent state research university to establish an institute for online learning; providing duties and responsibilities of an advisory board, the university, and the Board of Governors to provide high-quality, fully online baccalaureate degree programs, including establishment of a tuition structure for the institute; providing for the award of funding to preeminent state research universities based upon performance; authorizing a preeminent state research university to establish special course requirements; providing for preeminent state research university flexibility; encouraging the Board of Governors to promote additional programs of excellence; amending s. 1002.37, F.S.; revising and clarifying requirements for reporting and funding a full-time equivalent student in the Florida Virtual School; providing requirements for funding a home education student enrolled in the Florida Virtual School; providing reporting requirements relating to Florida Virtual School Global; amending s. 1002.45, F.S.; authorizing a school district to provide part-time virtual instruction for K-12 students in all courses; revising requirements for the use of virtual instruction in core-curricula courses for the purpose of meeting class size requirements; revising requirements for approval as a provider of virtual instruction programs; providing requirements for conditional approval; revising and clarifying the requirements for reporting and funding a full-time equivalent student enrolled in a virtual instruction program; amending s. 1003.498, F.S.; requiring the Department of Education to provide identifiers for courses to designate their use for blended learning courses; removing restrictions on students taking online courses across district lines; clarifying the requirements for reporting a full-time equivalent student; prohibiting a school district from requiring a public school student to take an online course at certain times or places; amending s. 1006.29, F.S.; requiring the department to publish technology requirements related to instructional materials; amending s. 1006.73, F.S.; revising purposes, duties, and responsibilities of the Florida Virtual Campus; amending s. 1006.735, F.S.; establishing the Complete Florida Degree Program and providing requirements for its implementation; amending s. 1007.271, F.S.; revising provisions relating to the full-time equivalent student membership value for dual enrolled students; revising dual enrollment articulation agreement requirements; revising funding provisions delineating costs incurred by the institution providing instruction; creating s. 1008.322, F.S.; providing Board of Governors oversight authority; requiring state university compliance with laws, rules, and regulations; authorizing certain actions for noncompliance; amending s. 1009.24, F.S.; revising certain state university student fees; repealing s. 1010.79, F.S., relating to the Sophomore Level Test Trust Fund; terminating the Sophomore Level Test Trust Fund and providing for the transfer of funds and payment of outstanding obligations; amending s. 1010.81, F.S.; renaming the Knott Data Center Working Capital Trust Fund and revising the deposit and use of funds; amending s. 1011.40, F.S.; providing requirements for maintaining fund balances in the education and general fund of state universities; amending s. 1011.61, F.S.; revising and clarifying the definition of a full-time equivalent student; revising provisions relating to funding based on student completion of end-of-course examinations; revising provisions relating to the maximum value for funding

a student; amending s. 1011.62, F.S.; revising provisions relating to the full-time equivalent student membership value for dual enrolled students; creating s. 1011.622, F.S.; providing for funding adjustments for students without a common student identifier; amending s. 1011.80, F.S.; revising provisions relating to funding for coenrolled students in workforce education programs; creating s. 1011.815, F.S.; providing requirements for maintaining fund balances in the general fund of Florida College System institutions; amending ss. 1012.885, 1012.886, and 1012.975, and 1012.976, F.S.; extending indefinitely provisions relating to remuneration of Florida College System institution presidents, Florida College System institution administrative employees, state university presidents, and state university administrative employees; providing requirements for school readiness program eligibility, enrollment, and funding and the school readiness market rate schedule, notwithstanding certain provisions of law; specifying the formula to be used for the 2012-2013 fiscal year in calculating the alternate compliance calculation amounts to the class size operating categorical fund, notwithstanding certain provisions of law; providing effective dates.

—was read the second time by title.

Further consideration of **CS/HB 5101** was temporarily postponed.

**HB 5013**—A bill to be entitled An act relating to health benefits for other-personal-services employees; amending s. 110.123, F.S.; revising and providing definitions; providing that the state group insurance program may develop a separate benefit plan for full-time other-personal-services employees; providing that full-time other-personal-services employees may participate in the state group insurance program; authorizing the Department of Management Services to adopt rules for certain purposes; requiring the department to contract for a health benefit plan for full-time other-personal-services employees; providing contract requirements; amending s. 110.131, F.S.; authorizing full-time other-personal-services employees to participate in the state group insurance program; providing an effective date.

—was read the second time by title.

Further consideration of **HB 5013** was temporarily postponed.

**HB 5009**—A bill to be entitled An act relating to information technology governance; transferring the Agency for Enterprise Information Technology, the Northwood Shared Resource Center, and the Southwood Shared Resource Center to the Agency for State Technology; nullifying rules and proceedings of the Agency for Enterprise Information Technology; repealing s. 14.204, F.S., relating to the Agency for Enterprise Information Technology; creating s. 14.206, F.S.; creating the Agency for State Technology; providing that the agency executive director is the state's Chief Information Officer; providing duties and responsibilities of the agency; authorizing the agency to adopt rules; amending s. 282.0041, F.S.; defining the term "state data center"; revising definitions relating to communications and data processing; repealing ss. 17.0315, 282.0055, and 282.0056, F.S., relating to a financial and cash management system task force, responsibilities of the Agency for Enterprise Information Technology, and work plans, respectively; amending s. 282.201, F.S.; establishing a state data center; providing duties of the Agency for State Technology; revising duties of state agencies relating to consolidation of data centers; providing exceptions; revising duties of the data centers; revising restrictions on state agencies; amending s. 282.203, F.S.; providing duties of the state data center and its director; authorizing the state data center to cease services to a customer entity under certain circumstances; deleting provisions relating to primary data centers and boards of trustees; repealing ss. 282.204 and 282.205, F.S., relating to the Northwood Shared Resource Center and the Southwood Shared Resource Center, respectively; amending s. 282.318, F.S.; revising provisions of the Enterprise Security of Data and Information Technology Act; providing responsibilities of the agency; revising and providing duties and

responsibilities of state agencies; requiring certain employee training; authorizing the agency to adopt rules; defining the term "agency" for purposes of such act; repealing ss. 282.33 and 282.34, F.S., relating to energy efficiency standards and statewide e-mail service, respectively; amending s. 943.0415, F.S.; authorizing the Cybercrime Office of the Department of Law Enforcement to perform certain functions relating to information security; amending ss. 110.205, 215.322, 287.057, 445.011, 445.045, 668.50, and 1004.649, F.S.; conforming provisions to changes made by the act; providing effective dates.

—was read the second time by title.

Further consideration of **HB 5009** was temporarily postponed.

**HB 5011**—A bill to be entitled An act relating to trust funds; creating s. 282.221, F.S.; creating the State Technology Working Capital Trust Fund within the Agency for State Technology of the Executive Office of the Governor; providing for the purpose of the trust fund and sources of funds; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was read the second time by title.

Further consideration of **HB 5011** was temporarily postponed.

**HB 5007**—A bill to be entitled An act relating to collective bargaining; providing for the resolution of collective bargaining issues at impasse between the State of Florida and certified bargaining units for state employees pursuant to specified instructions; providing an effective date.

—was read the second time by title.

Further consideration of **HB 5007** was temporarily postponed.

**HB 5005**—A bill to be entitled An act relating to Florida Retirement System; amending s. 121.71, F.S.; revising the required employer contribution rates for each membership class and subclass of the Florida Retirement System; providing that the act fulfills an important state interest; providing an effective date.

—was read the second time by title.

Further consideration of **HB 5005** was temporarily postponed.

**HB 5003**—A bill to be entitled An act relating to implementing the 2013-2014 General Appropriations Act; providing legislative intent; incorporating by reference certain calculations of the Florida Education Finance Program for the 2013-2014 fiscal year; providing that funds for instructional materials shall be released and expended as required in specified proviso language, notwithstanding certain other provisions of law; incorporating by reference certain calculations for the Accelerated Connectivity Highway for the 2013-2014 fiscal year; providing bandwidth purchasing requirements; amending s. 1002.32, F.S.; providing for the distribution of capital improvement funding for lab schools; providing requirements to govern the Department of Health's Florida Onsite Sewage Nitrogen Reduction Strategies Study; incorporating by reference certain calculations of the Medicaid Low-Income Pool, Disproportionate Share Hospital, and Hospital Reimbursement Programs for the 2013-2014 fiscal year; amending s. 216.262, F.S.; authorizing the Department of Corrections to submit a budget amendment for additional positions to operate additional prison bed capacity under certain circumstances; amending s. 932.7055, F.S.; authorizing a municipality to expend funds from its special law enforcement trust fund to reimburse the municipality's general fund; requiring the Department of Juvenile Justice to

comply with specified reimbursement limitations with respect to payments to hospitals or health care providers for health care services; authorizing certain payments pursuant to a contracted rate only until the contract expires or is renewed; defining the term "hospital" for purposes of such limitations; amending s. 29.008, F.S., relating to county funding of court-related functions; providing counties with an exemption from the requirement to annually increase certain expenditures by a specified percentage; directing the Department of Management Services to use a tenant broker to renegotiate certain leases and provide a report to the Legislature; authorizing funds available in the Audit and Warrant Clearing Trust Fund to be available for certain interest payments to the Federal Government; amending s. 624.502, F.S.; requiring that fees for service of process upon the Chief Financial Officer or Office of Insurance Regulation be deposited into the Administrative Trust Fund rather than the Insurance Regulatory Trust Fund; amending s. 161.143, F.S.; providing an allocation in the General Appropriations Act for inlet management funding; amending s. 375.041, F.S.; providing for the transfer of moneys from the Land Acquisition Trust Fund to support the Total Maximum Daily Loads Program and the Small Community Wastewater Treatment Grant Program; amending s. 373.59, F.S.; providing for the allocation and distribution of moneys from the Water Management Lands Trust Fund for certain purposes; amending s. 403.7095, F.S.; requiring the Department of Environmental Protection to award a specified amount in grants to certain counties for solid waste programs; authorizing the Department of Agriculture and Consumer Services to extend, revise, and renew current contracts or agreements created or entered into for the purpose of promotion of agriculture; amending s. 259.105, F.S.; providing that funds in the Florida Forever Trust Fund may be distributed only to the Division of State Lands for certain land acquisitions including conservation lands needed for military buffering or springs or water resources protection; amending s. 376.30711, F.S.; providing that competitive bidding for preapproved site rehabilitation is subject to the requirements of s. 287.055, F.S.; prohibiting a state agency from initiating a competitive solicitation for a product or service under certain circumstances; authorizing the Executive Office of the Governor to transfer funds between departments for purposes of aligning amounts paid for risk management premiums and for purposes of aligning amounts paid for human resource management services; amending s. 110.123, F.S., relating to the state group insurance program; providing the amounts of the state's monthly contribution; amending s. 112.24, F.S.; providing conditions on the assignment of an employee of a state agency; reenacting s. 215.32, F.S., relating to the source and use of certain trust funds to implement the transfer of funds to the General Revenue Fund in the 2013-2014 General Appropriations Act; providing a legislative finding that the issuance of new debt is in the best interests of the state and necessary to address a critical state emergency; limiting the use of travel funds for state employees to activities that are critical to an agency's mission; providing exceptions; authorizing certain agencies to request the transfer of resources between Data Processing Services appropriation categories and appropriation categories for operation based upon changes to the data center services consolidation schedule; authorizing the Executive Office of the Governor to transfer funds appropriated for data processing between agencies; prohibiting an agency from transferring funds from a data processing category to any category other than another data processing category; authorizing the Executive Office of the Governor to transfer funds between agencies in order to allocate a reduction relating to SUNCOM; amending s. 110.12315, F.S.; reenacting provisions specifying copayment amounts for the state employees' prescription drug program; providing for reversion of statutory text of certain provisions; providing for the effect of a veto of one or more specific appropriations or provisos to which implementing language refers; providing for the continued operation of certain provisions notwithstanding a future repeal or expiration provided by this act; providing for severability; providing an effective date.

—was read the second time by title.

Further consideration of **HB 5003** was temporarily postponed.

**HB 5001**—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 2013, and ending June 30, 2014, and supplemental appropriations for the period ending June 30, 2013, to pay salaries and other expenses, capital outlay—buildings and other improvements, and for other specified purposes of the various agencies of state government; providing effective dates.

—was read the second time by title.

## Recessed

The House recessed at 11:44 at a.m., to reconvene at 1:00 p.m.

## Reconvened

The House was called to order by the Speaker at 1:00 p.m.

## THE SPEAKER PRO TEMPORE IN THE CHAIR

Representative(s) Fresen offered the following:

(Amendment Bar Code: 990009)

### Profile Amendment 1—

In Section: 02 On Page: 019 Specific Appropriation: 87  
DELETE INSERT

EDUCATION, DEPARTMENT OF  
Public Schools, Division Of  
Program: State Grants/K-12 Program - FEFP

87 In Section 02 On Page 019  
Aid To Local Governments  
Grants And Aids - Florida Educational  
Finance Program

In Section 02, on Page 19, DELETE the following:

From the funds provided in Specific Appropriations 7 and 87, \$676,400,211 is enhancement funding for the Florida Education Finance Program. Regarding additional funds school districts provide for salary increases to instructional personnel, the legislature strongly encourages that at least 50 percent of the funding allocated by school districts for salary increases be awarded based on performance, as determined by the school district.

and insert in lieu thereof:

From the funds provided in Specific Appropriations 7 and 87, \$676,400,211 is enhancement funding for the Florida Education Finance Program. The portion of such funds used by districts to provide salary increases for instructional and non-instructional personnel and school administrators shall be devoted solely to provide merit-based salary increases consistent with the provisions of House Bill 7141 or Senate Bill 980, as verified by the Department of Education.

Rep. Fresen moved the adoption of the amendment, which was adopted.  
The vote was:

Session Vote Sequence: 78

Representative Coley in the Chair.

### Yeas—73

Adkins	Cummings	Holder	Nuñez
Ahern	Davis	Hood	Oliva
Albritton	Diaz, J.	Hooper	O'Toole
Artiles	Diaz, M.	Hudson	Passidomo
Baxley	Eagle	Hutson	Patronis
Beshears	Fasano	Ingram	Perry
Bileca	Fitzenhagen	La Rosa	Peters
Boyd	Fresen	Magar	Pigman
Brodeur	Gaetz	Mayfield	Pilon
Broxson	Gonzalez	McBurney	Porter
Coley	Goodson	McKeel	Precourt
Combee	Grant	Metz	Raburn
Corcoran	Hager	Moraitis	Raschein
Crisafulli	Harrell	Nelson	Raulerson



Renuart	Schenck	Tobia	Workman
Roberson, K.	Smith	Trujillo	Young
Rodriguez, R.	Spano	Van Zant	
Rooney	Steube	Weatherford	
Santiago	Stone	Wood	

Nays—43

Antone	Gibbons	Rangel	Stark
Berman	Jones, M.	Reed	Stewart
Bracy	Jones, S.	Rehwinkel Vasilinda	Taylor
Campbell	Kerner	Richardson	Thurston
Clarke-Reed	Lee	Rodriguez, J.	Torres
Clelland	McGhee	Rogers	Waldman
Cruz	Moskowitz	Rouson	Watson, B.
Danish	Pafford	Saunders	Watson, C.
Dudley	Powell	Schwartz	Williams, A.
Edwards	Pritchett	Slosberg	Zimmermann
Fullwood	Rader	Stafford	

Representative(s) McKeel offered the following:

(Amendment Bar Code: 990010)

## Prefile Amendment 2—

In Section: 06 On Page: 249 Specific Appropriation: 1950A  
DELETE INSERT

## PROGRAM: ADMINISTERED FUNDS

1950A	In Section 06 On Page 249		
	Lump Sum		
	Employee Compensation And Benefits		
	General Revenue Fund	235,759,827	213,159,827
	Trust Funds	169,141,498	153,441,498

In Section On Page 364

In Section 8 , on Pages 364-365, DELETE the following:

All the current language in SECTION 8, from page 364 through (h) SPECIAL PAY ISSUES paragraph on page 365.

In Section , on Page 364 and 365, INSERT the following:

## SECTION 8. EMPLOYEE COMPENSATION AND BENEFITS - FISCAL YEAR 2013-2014

## Statement of Purpose

This section provides instructions for implementing the Fiscal Year 2013-2014 salary and benefit adjustments provided in this act. All allocations, distributions and uses of these funds are to be made in strict accordance with the provisions of this act.

References to "eligible" employees refer to employees who are, at a minimum, meeting their required performance standards, if applicable. If an ineligible employee achieves performance standards subsequent to the salary increase implementation date, but on or before the end of the fiscal year, the employee may receive an increase. However, such increase shall be effective on the date the employee becomes eligible but not retroactively. In addition, any salary increase or bonus provided under this section shall be pro-rated based on the full-time equivalency of the employee's position. Employees classified as being other personnel services employees are not eligible for an increase or bonus.

## Pay Grade and Pay Band Adjustments

It is the intent of the Legislature that, effective November 1, 2013, the maximum for each pay grade and pay band shall be increased by \$1,000, consistent with the salary increase provided in this act. In addition, the intent is for all eligible employees to receive the increase, even if they exceed the cap.

## (1) EMPLOYEE AND OFFICER COMPENSATION

## (a) CAREER SERVICE AND EMPLOYEES SUBJECT TO THE CAREER SERVICE

Funds are provided in Specific Appropriation 1950A for pay increases and one-time bonuses for all eligible employees represented by: (1) the Florida Police Benevolent Association, (2) the Teamsters Local Union No. 2011, (3) The Florida Nurses Association, (4) the American Federation of State, County, and Municipal Employees, Council 79, (5) the Florida State Fire Service Association, as well as all other eligible Career Service employees not included in a represented collective bargaining unit.

Effective November 1, 2013, for all eligible unit and non-unit Career Service employees, funds are provided to grant a \$1,000 competitive pay adjustment to each employee's October 31, 2013, base rate of pay.

## (b) FLORIDA BOARD OF EDUCATION AND BOARD OF GOVERNORS

## 1. Generally

Effective November 1, 2013, from the funds in Specific Appropriation 1950A, funds are provided to grant each eligible employee of the State University System whose position is funded by Education and General (E&G) Funds a competitive pay adjustment of \$1,000 on each employee's

October 31, 2013, base rate of pay.

## 2. Graduate Assistants

Effective November 1, 2013, from the funds in Specific Appropriation 1950A, funds are provided to grant each eligible graduate assistant and graduate health profession assistant a \$1,000 competitive pay adjustment on each employee's October 31, 2013 base rate of pay.

## (c) EXEMPT FROM CAREER SERVICE

## 1. Elected officers and full-time members of commissions and counsels

Specific Appropriation 1950A provides funding to provide salary increases on November 1, 2013. The elected officers, members of commissions, and designated employees shall be paid at the annual rate, listed below, for the 2013-14 fiscal year; however, these salaries may be reduced on a voluntary basis.

	7-1-12	11-1-13
Governor.....	\$130,273	\$131,273
Lieutenant Governor.....	\$124,851	\$125,851
Chief Financial Officer.....	\$128,972	\$129,972
Attorney General.....	\$128,972	\$129,972
Agriculture, Commissioner of.....	\$128,972	\$129,972
Supreme Court Justice.....	\$157,976	\$158,976
Judges - District Courts of Appeal.....	\$150,077	\$151,077
Judges - Circuit Courts.....	\$142,178	\$143,178
Judges - County Courts.....	\$134,280	\$135,280
State Attorneys.....	\$150,077	\$151,077
Public Defenders.....	\$150,077	\$151,077
Commissioner - Public Service Commission.....	\$130,036	\$131,036
Public Employees Relations Commission Chair.....	\$ 95,789	\$ 96,789
Public Employees Relations Commission Commissioners.....	\$ 45,362	\$ 45,862
Commissioner - Parole and Probation.....	\$ 90,724	\$ 91,724
Criminal Conflict and Civil Regional Counsels.....	\$ 98,000	\$ 99,000

None of the officers, commission members, or employees whose salaries have been fixed in this section shall receive any supplemental salary or benefits from any county or municipality.

## 2. Senior Management Services and Selected Exempt Service

Effective November 1, 2013, funds are provided in Specific Appropriation 1950A to grant each eligible employee of the Senior Management Service and each eligible unit and non-unit employee of the Selected Exempt Service a competitive pay increase of \$1,000 on each employee's October 31, 2013 base rate of pay.

## (d) CAREER SERVICE EXEMPT AND THE FLORIDA NATIONAL GUARD

Effective November 1, 2013, funds are provided in Specific Appropriation 1950A to grant each eligible employee a competitive pay adjustment of \$1,000 on each employee's October 31, 2013 base rate of pay.

## (e) JUDICIAL

Effective November 1, 2013, funds are provided in Specific Appropriation 1950A to grant each eligible employee a competitive pay adjustment of \$1,000 on each employee's October 31, 2013 base rate of pay.

## (f) LOTTERY EXECUTIVE MANAGEMENT SERVICE AND LOTTERY EXEMPT SERVICE

Effective November 1, 2013, funds are provided in Specific Appropriation 1950A to grant each eligible employee of the Lottery Executive Management Service and each eligible unit and non-unit Lottery Exempt Service employee a competitive pay increase of \$1,000 on each employee's October 31, 2013 base rate of pay.

## (g) FLORIDA SCHOOL FOR THE DEAF AND BLIND

Effective November 1, 2013, funds are provided in Specific Appropriation 1950A for non-career service employees of the School for the Deaf and the Blind to receive competitive pay adjustments of \$1,000 on each employee's October 31, 2013, base rate of pay. Distribution of the funds for unit employees shall be pursuant to the negotiated collective bargaining agreement, and distribution of the funds for non-unit employees shall be at the discretion of the Board of Trustees.

## (2) SPECIAL PAY ISSUES

(a) Effective July 1, 2013, from the funds in Specific Appropriation 1950A, \$1,302,827 from the General Revenue Fund and \$8,351,498 from trust funds are provided to fund competitive pay adjustments of 3 percent on the employee's June 30, 2013 base rate of pay, to unit and non-unit employees of the Law Enforcement, Florida Highway Patrol, and Special Agent bargaining units.

(b) Funds are provided in Specific Appropriation 1950A to allow each agency head, including the Supreme Court Justice, to provide discretionary one-time lump sum bonuses of \$400 to eligible permanent employees in order to recruit, retain and reward quality personnel as provided in s. 110.1245(2), F.S. No bonus shall be paid prior to June 1, 2014.

Rep. McKeel moved the adoption of the amendment.

## THE SPEAKER IN THE CHAIR

The question recurred on the adoption of **Prefiled Amendment 2**. The vote was:

Session Vote Sequence: 79

Speaker Weatherford in the Chair.

Yeas—69

Adkins	Eagle	Moraitis	Rodrigues, R.
Ahern	Fitzenhagen	Nelson	Rooney
Albritton	Fresen	Núñez	Santiago
Artiles	Goodson	Oliva	Schenck
Baxley	Hager	O'Toole	Smith
Beshears	Harrell	Passidomo	Spano
Bileca	Holder	Patronis	Steube
Boyd	Hood	Perry	Stone
Brodeur	Hooper	Peters	Tobia
Broxson	Hudson	Pigman	Trujillo
Coley	Hutson	Pilon	Van Zant
Combee	Ingram	Porter	Weatherford
Corcoran	La Rosa	Precourt	Wood
Crisafulli	Magar	Raburn	Workman
Cummings	Mayfield	Raschein	Young
Davis	McBurney	Raulerson	
Diaz, J.	McKeel	Renuart	
Diaz, M.	Metz	Roberson, K.	

Nays—45

Antone	Gaetz	Rangel	Stewart
Berman	Gibbons	Reed	Taylor
Bracy	Jones, M.	Rehwinkel	Vasilinda
Campbell	Jones, S.	Richardson	Torres
Clarke-Reed	Kerner	Rodríguez, J.	Waldman
Clelland	Lee	Rogers	Watson, B.
Cruz	McGhee	Rouson	Watson, C.
Danish	Moskowitz	Saunders	Williams, A.
Dudley	Pafford	Schwartz	Zimmermann
Edwards	Powell	Slosberg	
Fasano	Pritchett	Stafford	
Fullwood	Rader	Stark	

Votes after roll call:

Yeas—Gonzalez, Grant

**Prefiled Amendment 3** was withdrawn.

Representative(s) Berman offered the following:

(Amendment Bar Code: 990012)

Profile Amendment 4—

In Section: 03 On Page: 083 Specific Appropriation: 470  
DELETE INSERT

HEALTH, DEPARTMENT OF  
Program: Community Public Health  
Community Health Promotion

In Section 03 On Page 083  
470 Special Categories  
Grants And Aids - Crisis Counseling

General Revenue Fund

2,000,000

0

DELETE the proviso immediately following Specific Appropriation 470:

From the funds in Specific Appropriation 470, a minimum of 85 percent of the appropriated funds shall be spent on direct client services, direct service provider certification and Option Line.

The department shall award a contract to a current Florida Pregnancy Support Services Program (FPSSP) contract management provider that is a Florida non-profit corporation and recognized as tax exempt by the IRS under code section 501 (c)(3) for this Specific Appropriation. The contract shall provide for the development and implementation of certification standards and to provide the required contract management of all sub-contracted direct service providers, Option Line and FPSSP website.

The department shall pay the non-profit contract management provider no less than \$380 per month per sub-contracted direct service provider for contract management and an FPSSP website. The department is authorized to spend no more than \$50,000 for agency program oversight activities.

463 Aid To Local Governments  
Grants And Aids - Family Planning  
Services

General Revenue Fund

4,245,455

6,245,455

## THE SPEAKER PRO TEMPORE IN THE CHAIR

## THE SPEAKER IN THE CHAIR

Rep. Berman moved the adoption of the amendment, which failed of adoption.

Further consideration of **HB 5001** was temporarily postponed.

**CS/CS/HB 7091**—A bill to be entitled An act relating to K-20 education; amending s. 1000.03, F.S.; providing for comprehensive K-20 career and education planning; amending s. 1000.21, F.S.; providing that Next Generation Sunshine State Standards include specified common core standards; amending s. 1001.42, F.S.; authorizing a district school board to appoint a governing board for a school district technical center; providing governing board membership and responsibilities; amending s. 1002.3105, F.S.; providing additional academically challenging curriculum options; amending s. 1002.33, F.S.; conforming provisions; amending s. 1002.37, F.S.; revising funding for the Florida Virtual School based on student completion of end-of-course assessments; repealing s. 1002.375, F.S., relating to an alternative credit for high school courses pilot project; amending s. 1002.45, F.S.; revising funding for virtual instruction programs based on student completion of end-of-course assessments; amending s. 1003.02, F.S.; conforming provisions; amending s. 1003.03, F.S.; revising implementation options to meet class size requirements; amending s. 1003.41, F.S.; revising requirements for the Next Generation Sunshine State Standards; repealing s. 1003.413, F.S., relating to the Florida Secondary School Redesign Act; amending s. 1003.4156, F.S.; revising middle grades promotion requirements; conforming provisions relating to the statewide, standardized assessment program; revising career and education planning course content; revising remediation strategies; amending s. 1003.4203, F.S.; requiring the availability of digital materials in prekindergarten through grade 12; providing for digital recognition and certificate programs; amending s. 1003.428, F.S.; including financial literacy within the economics course required for high school graduation; conforming provisions; amending s. 1003.4281, F.S.; conforming provisions; creating s. 1003.4282, F.S.; providing requirements for a standard high school diploma; establishing a 24-credit requirement; providing for a standard college and career high school diploma and course and assessment requirements; providing requirements relating to online courses, remediation, grade forgiveness, award of a standard high school diploma, transfer of high school credits, and career education courses that earn high school credits; requiring the State Board of Education to adopt rules; amending s. 1003.4285, F.S.; revising standard high school diploma designations; providing for a scholar designation, an industry designation, or a waiver designation on the diploma;

creating s. 1003.4286, F.S.; providing for the award of a standard high school diploma to honorably discharged veterans pursuant to rule; repealing s. 1003.429, F.S., relating to accelerated high school graduation options; amending s. 1003.4295, F.S.; conforming provisions; repealing s. 1003.43, F.S., relating to general requirements for high school graduation; amending s. 1003.433, F.S.; conforming provisions; amending s. 1003.435, F.S.; deleting a rulemaking requirement relating to high school equivalency diplomas; amending s. 1003.436, F.S.; providing a reference to the Credit Acceleration Program for purposes of defining the term "credit"; amending ss. 1003.438, 1003.491, 1003.4935, 1003.51, 1003.621, and 1004.935, F.S.; conforming provisions; amending s. 1007.271, F.S.; authorizing career dual enrollment students to earn industry certifications for credit toward high school graduation; amending s. 1008.22, F.S.; substantially rewording the student assessment program for public schools; providing requirements for a statewide, standardized assessment program aligned to core curricular content in the Next Generation Sunshine State Standards; providing requirements for end-of-course assessments; providing requirements for instruction for students with disabilities; providing for transition to common core assessments in English Language Arts and Mathematics; providing requirements for assessment scores, achievement levels, assessment schedules, and reporting of assessment results; providing prohibited and authorized assessment-preparation activities; authorizing contracts for assessments; requiring analysis of data, administration of local assessments, and identification of concordant and comparative scores; requiring annual reporting of student performance data; requiring the state board to adopt rules; amending s. 1008.25, F.S.; providing for instructional sequencing of courses, including industry certifications; conforming provisions relating to student assessment, remediation, retention, and progression; deleting unfunded and inactive programs and reporting requirements; revising school district reporting requirements; amending ss. 1008.30 and 1008.34, F.S.; conforming provisions; creating s. 1008.44, F.S.; providing requirements for industry certifications, an industry certification funding list, and a postsecondary industry certification funding list for distribution of funding to school districts and Florida College System institutions; amending s. 1009.531, F.S.; conforming provisions; amending s. 1011.61, F.S.; revising provisions relating to funding for students in virtual instruction programs, the Florida Virtual School, and regular instructional programs based on student completion of end-of-course assessments; amending s. 1011.62, F.S.; revising provisions relating to bonuses awarded to teachers providing advanced placement instruction; revising the calculation of additional full-time equivalent membership based on completion of career-themed courses and issuance of industry certification; providing for teacher bonuses related to industry certification instruction; providing for certain recognitions and performance payments to schools in which students earn digital competency certificates; amending ss. 1012.22 and 1012.56, F.S.; conforming provisions; amending s. 1012.98, F.S.; revising requirements for professional development systems developed by school districts; providing that students participating in an accelerated high school graduation option may continue participation; providing a directive to the Division of Law Revision and Information; providing an effective date.

—was read the second time by title.

Representative O'Toole, Adkins, Porter and Nuñez offered the following:

(Amendment Bar Code: 270637)

**Amendment (with title amendment)**—Remove everything after the enacting clause and insert:

Section 1. Paragraph (g) is added to subsection (5) of section 1000.03, Florida Statutes, to read:

1000.03 Function, mission, and goals of the Florida K-20 education system.—

(5) The priorities of Florida's K-20 education system include:

(g) Comprehensive K-20 career and education planning.—It is essential that Florida's K-20 education system better prepare all students at every level

for the transition from school to postsecondary education or work by providing information regarding:

1. Career opportunities, educational requirements associated with each career, educational institutions that prepare students to enter each career, and student financial aid available to pursue postsecondary instruction required to enter each career.

2. How to make informed decisions about the program of study that best addresses the students' interests and abilities while preparing them to enter postsecondary education or the workforce.

3. Recommended coursework and programs that prepare students for success in their areas of interest and ability.

This information shall be provided to students and parents through websites, handbooks, manuals, or other regularly provided communications.

Section 2. Subsection (7) of section 1000.21, Florida Statutes, is amended to read:

1000.21 Systemwide definitions.—As used in the Florida K-20 Education Code:

(7) ~~"Sunshine State Standards" or the "Next Generation Sunshine State Standards"~~ means the state's public K-12 curricular standards, including common core standards in English Language Arts and mathematics, adopted under s. 1003.41. The term includes the Sunshine State Standards that are in place for a subject until the standards for that subject are replaced under s. 1003.41 by the Next Generation Sunshine State Standards.

Section 3. Subsection (26) of section 1001.42, Florida Statutes, is renumbered as subsection (27), and a new subsection (26) is added to that section, to read:

1001.42 Powers and duties of district school board.—The district school board, acting as a board, shall exercise all powers and perform all duties listed below:

(26) TECHNICAL CENTER GOVERNING BOARD.—May appoint a governing board for a school district technical center or a system of technical centers for the purpose of aligning the educational programs of the technical center with the needs of local businesses and responding quickly to the needs of local businesses for employees holding industry certifications. A technical center governing board shall be comprised of seven members, three of whom must be members of the district school board or their designees and four of whom must be local business leaders. The district school board shall delegate to the technical center governing board decisions regarding entrance requirements for students, curriculum, program development, budget and funding allocations, and the development with local businesses of partnership agreements and appropriate industry certifications in order to meet local and regional economic needs. A technical center governing board may approve only courses and programs that contain industry certifications. A course may be continued if at least 25 percent of the students enrolled in the course attain an industry certification. If fewer than 25 percent of the students enrolled in a course attain an industry certification, the course must be discontinued the following year.

Section 4. Paragraph (b) of subsection (1) of section 1002.3105, Florida Statutes, is amended, and subsection (5) is added to that section, to read:

1002.3105 Academically Challenging Curriculum to Enhance Learning (ACCEL) options.—

(1) ACCEL OPTIONS.—

(b) At a minimum, each school must offer the following ACCEL options: whole-grade and midyear promotion; subject-matter acceleration; virtual instruction in higher grade level subjects; and the Credit Acceleration Program under s. 1003.4295. Additional ACCEL options may include, but are not limited to, enriched science, technology, engineering, and mathematics (STEM) coursework; enrichment programs; flexible grouping; advanced academic courses; combined classes; self-paced instruction; rigorous industry certifications that are articulated to college credit and approved pursuant to ss. 1003.492 and 1008.44; work-related internships or apprenticeships; curriculum compacting; advanced-content instruction; and telescoping curriculum.

(5) AWARD OF A STANDARD HIGH SCHOOL DIPLOMA.—A student who meets the requirements of s. 1003.4282(3)(a)-(e), earns three credits in electives, and earns a cumulative grade point average (GPA) of 2.0

on a 4.0 scale shall be awarded a standard high school diploma in a form prescribed by the State Board of Education.

Section 5. Paragraph (a) of subsection (7) of section 1002.33, Florida Statutes, is amended to read:

1002.33 Charter schools.—

(7) CHARTER.—The major issues involving the operation of a charter school shall be considered in advance and written into the charter. The charter shall be signed by the governing board of the charter school and the sponsor, following a public hearing to ensure community input.

(a) The charter shall address and criteria for approval of the charter shall be based on:

1. The school's mission, the students to be served, and the ages and grades to be included.

2. The focus of the curriculum, the instructional methods to be used, any distinctive instructional techniques to be employed, and identification and acquisition of appropriate technologies needed to improve educational and administrative performance which include a means for promoting safe, ethical, and appropriate uses of technology which comply with legal and professional standards.

a. The charter shall ensure that reading is a primary focus of the curriculum and that resources are provided to identify and provide specialized instruction for students who are reading below grade level. The curriculum and instructional strategies for reading must be consistent with the Next Generation Sunshine State Standards and grounded in scientifically based reading research.

b. In order to provide students with access to diverse instructional delivery models, to facilitate the integration of technology within traditional classroom instruction, and to provide students with the skills they need to compete in the 21st century economy, the Legislature encourages instructional methods for blended learning courses consisting of both traditional classroom and online instructional techniques. Charter schools may implement blended learning courses which combine traditional classroom instruction and virtual instruction. Students in a blended learning course must be full-time students of the charter school and receive the online instruction in a classroom setting at the charter school. Instructional personnel certified pursuant to s. 1012.55 who provide virtual instruction for blended learning courses may be employees of the charter school or may be under contract to provide instructional services to charter school students. At a minimum, such instructional personnel must hold an active state or school district adjunct certification under s. 1012.57 for the subject area of the blended learning course. The funding and performance accountability requirements for blended learning courses are the same as those for traditional courses.

3. The current incoming baseline standard of student academic achievement, the outcomes to be achieved, and the method of measurement that will be used. The criteria listed in this subparagraph shall include a detailed description of:

a. How the baseline student academic achievement levels and prior rates of academic progress will be established.

b. How these baseline rates will be compared to rates of academic progress achieved by these same students while attending the charter school.

c. To the extent possible, how these rates of progress will be evaluated and compared with rates of progress of other closely comparable student populations.

The district school board is required to provide academic student performance data to charter schools for each of their students coming from the district school system, as well as rates of academic progress of comparable student populations in the district school system.

4. The methods used to identify the educational strengths and needs of students and how well educational goals and performance standards are met by students attending the charter school. The methods shall provide a means for the charter school to ensure accountability to its constituents by analyzing student performance data and by evaluating the effectiveness and efficiency of its major educational programs. Students in charter schools shall, at a minimum, participate in the statewide assessment program created under s. 1008.22.

5. In secondary charter schools, a method for determining that a student has satisfied the requirements for graduation in s. 1003.428 or s. 1003.4282, ~~s. 1003.429, or s. 1003.43.~~

6. A method for resolving conflicts between the governing board of the charter school and the sponsor.

7. The admissions procedures and dismissal procedures, including the school's code of student conduct.

8. The ways by which the school will achieve a racial/ethnic balance reflective of the community it serves or within the racial/ethnic range of other public schools in the same school district.

9. The financial and administrative management of the school, including a reasonable demonstration of the professional experience or competence of those individuals or organizations applying to operate the charter school or those hired or retained to perform such professional services and the description of clearly delineated responsibilities and the policies and practices needed to effectively manage the charter school. A description of internal audit procedures and establishment of controls to ensure that financial resources are properly managed must be included. Both public sector and private sector professional experience shall be equally valid in such a consideration.

10. The asset and liability projections required in the application which are incorporated into the charter and shall be compared with information provided in the annual report of the charter school.

11. A description of procedures that identify various risks and provide for a comprehensive approach to reduce the impact of losses; plans to ensure the safety and security of students and staff; plans to identify, minimize, and protect others from violent or disruptive student behavior; and the manner in which the school will be insured, including whether or not the school will be required to have liability insurance, and, if so, the terms and conditions thereof and the amounts of coverage.

12. The term of the charter which shall provide for cancellation of the charter if insufficient progress has been made in attaining the student achievement objectives of the charter and if it is not likely that such objectives can be achieved before expiration of the charter. The initial term of a charter shall be for 4 or 5 years. In order to facilitate access to long-term financial resources for charter school construction, charter schools that are operated by a municipality or other public entity as provided by law are eligible for up to a 15-year charter, subject to approval by the district school board. A charter lab school is eligible for a charter for a term of up to 15 years. In addition, to facilitate access to long-term financial resources for charter school construction, charter schools that are operated by a private, not-for-profit, s. 501(c)(3) status corporation are eligible for up to a 15-year charter, subject to approval by the district school board. Such long-term charters remain subject to annual review and may be terminated during the term of the charter, but only according to the provisions set forth in subsection (8).

13. The facilities to be used and their location.

14. The qualifications to be required of the teachers and the potential strategies used to recruit, hire, train, and retain qualified staff to achieve best value.

15. The governance structure of the school, including the status of the charter school as a public or private employer as required in paragraph (12)(i).

16. A timetable for implementing the charter which addresses the implementation of each element thereof and the date by which the charter shall be awarded in order to meet this timetable.

17. In the case of an existing public school that is being converted to charter status, alternative arrangements for current students who choose not to attend the charter school and for current teachers who choose not to teach in the charter school after conversion in accordance with the existing collective bargaining agreement or district school board rule in the absence of a collective bargaining agreement. However, alternative arrangements shall not be required for current teachers who choose not to teach in a charter lab school, except as authorized by the employment policies of the state university which grants the charter to the lab school.

18. Full disclosure of the identity of all relatives employed by the charter school who are related to the charter school owner, president, chairperson of the governing board of directors, superintendent, governing board member, principal, assistant principal, or any other person employed by the charter

school who has equivalent decisionmaking authority. For the purpose of this subparagraph, the term "relative" means father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

19. Implementation of the activities authorized under s. 1002.331 by the charter school when it satisfies the eligibility requirements for a high-performing charter school. A high-performing charter school shall notify its sponsor in writing by March 1 if it intends to increase enrollment or expand grade levels the following school year. The written notice shall specify the amount of the enrollment increase and the grade levels that will be added, as applicable.

Section 6. Paragraph (a) of subsection (3) and paragraph (b) of subsection (9) of section 1002.37, Florida Statutes, are amended to read:

1002.37 The Florida Virtual School.—

(3) Funding for the Florida Virtual School shall be provided as follows:

(a)1. For a student in grades 9 through 12, a "full-time equivalent student" is one student who has successfully completed six full-credit courses that count toward the minimum number of credits required for high school graduation. A student who completes fewer than six full-credit courses is a fraction of a full-time equivalent student. Half-credit course completions shall be included in determining a full-time equivalent student. Credit completed by a student in excess of the minimum required for that student for high school graduation is not eligible for funding.

2. For a student in kindergarten through grade 8, a "full-time equivalent student" is one student who has successfully completed six courses or the prescribed level of content that counts toward promotion to the next grade. A student who completes fewer than six courses or the prescribed level of content shall be a fraction of a full-time equivalent student.

3. Beginning in the 2016-2017 ~~2014-2015~~ fiscal year, ~~when s. 1008.22(3)(g) is implemented,~~ the reported full-time equivalent students and associated funding of students enrolled in courses requiring passage of an end-of-course assessment under s. 1003.4282 to earn a standard high school diploma shall be adjusted if after the student does not pass ~~completes~~ the end-of-course assessment. However, no adjustment shall be made for home education program students who choose not to take an end-of-course assessment or for a student who enrolls in a segmented remedial course delivered online.

For purposes of this paragraph, the calculation of "full-time equivalent student" shall be as prescribed in s. 1011.61(1)(c)1.b.(V).

(9)

(b) Public school students receiving part-time instruction by the Florida Virtual School in courses requiring statewide end-of-course assessments must take all statewide end-of-course assessments required pursuant to s. 1008.22 ~~s. 1008.22(3)(e)2.~~

Section 7. Section 1002.375, Florida Statutes, is repealed.

Section 8. Paragraph (b) of subsection (4) and paragraph (e) of subsection (7) of section 1002.45, Florida Statutes, are amended to read:

1002.45 Virtual instruction programs.—

(4) CONTRACT REQUIREMENTS.—Each contract with an approved provider must at minimum:

(b) Provide a method for determining that a student has satisfied the requirements for graduation in s. 1003.428 or s. 1003.4282, s. 1003.429, or s. 1003.43 if the contract is for the provision of a full-time virtual instruction program to students in grades 9 through 12.

(7) VIRTUAL INSTRUCTION PROGRAM AND VIRTUAL CHARTER SCHOOL FUNDING.—

(e) Beginning in the 2016-2017 ~~2014-2015~~ fiscal year, ~~when s. 1008.22(3)(g) is implemented,~~ the reported full-time equivalent students and associated funding of students enrolled in courses requiring passage of an end-of-course assessment under s. 1003.4282 to earn a standard high school diploma shall be adjusted if after the student does not pass ~~completes~~ the end-of-course assessment. However, no adjustment shall be made for a student who enrolls in a segmented remedial course delivered online.

Section 9. Paragraph (i) of subsection (1) of section 1003.02, Florida Statutes, is amended to read:

1003.02 District school board operation and control of public K-12 education within the school district.—As provided in part II of chapter 1001, district school boards are constitutionally and statutorily charged with the operation and control of public K-12 education within their school district. The district school boards must establish, organize, and operate their public K-12 schools and educational programs, employees, and facilities. Their responsibilities include staff development, public K-12 school student education including education for exceptional students and students in juvenile justice programs, special programs, adult education programs, and career education programs. Additionally, district school boards must:

(1) Provide for the proper accounting for all students of school age, for the attendance and control of students at school, and for proper attention to health, safety, and other matters relating to the welfare of students in the following fields:

(i) Parental notification of acceleration options.—At the beginning of each school year, notify parents of students in or entering high school of the opportunity and benefits of advanced placement, International Baccalaureate, Advanced International Certificate of Education, dual enrollment, and Florida Virtual School courses and options for early ~~or accelerated high school~~ graduation under s. ss. 1003.4281 and 1003.429.

Section 10. Paragraph (c) of subsection (3) of section 1003.03, Florida Statutes, is amended to read:

1003.03 Maximum class size.—

(3) IMPLEMENTATION OPTIONS.—District school boards must consider, but are not limited to, implementing the following items in order to meet the constitutional class size maximums described in subsection (1):

(c)1. Repeal district school board policies that require students to earn ~~have~~ more than the 24 credits required under s. 1003.428 to graduate from high school.

2. Implement the early graduation option provided in s. 1003.4281. Adopt policies to allow students to graduate from high school as soon as they pass the grade 10 FCAT and complete the courses required for high school graduation.

Section 11. Section 1003.41, Florida Statutes, is amended to read:

(Substantial rewording of section. See

s. 1003.41, F.S., for present text.)

1003.41 Next Generation Sunshine State Standards.—

(1) Next Generation Sunshine State Standards establish the core content of the curricula to be taught in the state and specify the core content knowledge and skills that K-12 public school students are expected to acquire. Standards must be rigorous and relevant and provide for the logical, sequential progression of core curricular content that incrementally increases a student's core content knowledge and skills over time. Curricular content for all subjects must integrate critical-thinking, problem-solving, and workforce-literacy skills; communication, reading, and writing skills; mathematics skills; collaboration skills; contextual and applied-learning skills; technology-literacy skills; information and media-literacy skills; and civic-engagement skills. The standards must include distinct grade-level expectations for the core content knowledge and skills that a student is expected to have acquired by each individual grade level from kindergarten through grade 8. The standards for grades 9 through 12 may be organized by grade clusters of more than one grade level except as otherwise provided for visual and performing arts, physical education, health, and foreign language standards.

(2) Next Generation Sunshine State Standards must meet the following requirements:

(a) English Language Arts standards must establish specific curricular content for, at a minimum, reading, writing, speaking and listening, and language.

(b) Science standards must establish specific curricular content for, at a minimum, the nature of science, earth and space science, physical science, and life science.

(c) Mathematics standards must establish specific curricular content for, at a minimum, algebra, geometry, statistics and probability, number and quantity, functions, and modeling.

(d) Social Studies standards must establish specific curricular content for, at a minimum, geography, United States and world history, government,

civics, humanities, and economics, including financial literacy. Financial literacy includes the knowledge, understanding, skills, behaviors, attitudes, and values that will enable a student to make responsible and effective financial decisions on a daily basis. Financial literacy instruction shall be an integral part of instruction throughout the entire economics course and include information regarding earning income; buying goods and services; saving and financial investing; taxes; the use of credit and credit cards; budgeting and debt management, including student loans and secured loans; banking and financial services; planning for one's financial future, including higher education and career planning; credit reports and scores; and fraud and identity theft prevention.

(e) Visual and performing arts, physical education, health, and foreign language standards must establish specific curricular content and include distinct grade level expectations for the core content knowledge and skills that a student is expected to have acquired by each individual grade level from kindergarten through grade 5. The standards for grades 6 through 12 may be organized by grade clusters of more than one grade level.

(3) The Commissioner of Education, as needed, shall develop and submit proposed revisions to the standards for review and comment by Florida educators, school administrators, representatives of the Florida College System institutions and state universities who have expertise in the content knowledge and skills necessary to prepare a student for postsecondary education and careers, business and industry leaders, and the public. The commissioner, after considering reviews and comments, shall submit the proposed revisions to the State Board of Education for adoption. In addition, the commissioner shall prepare an analysis of the costs associated with implementing a separate, one-half credit course in financial literacy, including estimated costs for instructional personnel, training, and the development or purchase of instructional materials. The commissioner shall work with one or more nonprofit organizations with proven expertise in the area of personal finance, consider free resources that can be utilized for instructional materials, and provide data on the implementation of such a course in other states. The commissioner shall provide the cost analysis to the President of the Senate and the Speaker of the House of Representatives by October 1, 2013.

(4) The State Board of Education shall adopt rules to administer this section.

Section 12. Section 1003.413, Florida Statutes, is repealed.

Section 13. Section 1003.4156, Florida Statutes, is amended to read: 1003.4156 General requirements for middle grades promotion.—

(1) In order for a student to be promoted to high school Promotion from a school that includes composed of middle grades 6, 7, and 8, requires that:

(a) the student must successfully complete the following academic courses as follows:

(a)1- Three middle grades school or higher courses in English Language Arts (ELA). These courses shall emphasize literature, composition, and technical text.

(b)2- Three middle grades school or higher courses in mathematics. Each middle school that includes middle grades must offer at least one high school level mathematics course for which students may earn high school credit. Successful completion of a high school level Algebra I or geometry course is not contingent upon the student's performance on the statewide, standardized end-of-course (EOC) assessment or, upon transition to common core assessments, the common core Algebra I or geometry assessments required under s. 1008.22 s. 1008.22(3)(e)2.a.(I). However, beginning with the 2011-2012 school year, to earn high school credit for an Algebra I course, a middle grades school student must pass the Algebra I statewide, standardized end-of-course assessment, and beginning with the 2012-2013 school year, to earn high school credit for a geometry course, a middle grades school student must take pass the statewide, standardized geometry end-of-course assessment, which constitutes 30 percent of the student's final course grade, and earn a passing grade in the course.

(c)3- Three middle grades school or higher courses in social studies, one semester of which must include the study of state and federal government and civics education. Beginning with students entering grade 6 in the 2012-2013 school year, one of these courses must be at least a one-semester civics education course that a student successfully completes in accordance with s.

1008.22(3)(e) and that includes the roles and responsibilities of federal, state, and local governments; the structures and functions of the legislative, executive, and judicial branches of government; and the meaning and significance of historic documents, such as the Articles of Confederation, the Declaration of Independence, and the Constitution of the United States. Beginning with the 2013-2014 school year, each student's performance on the statewide, standardized EOC assessment in civics education required under s. 1008.22 constitutes 30 percent of the student's final course grade.

(d)4- Three middle grades school or higher courses in science. Successful completion of a high school level Biology I course is not contingent upon the student's performance on the statewide, standardized EOC end-of-course assessment required under s. 1008.22 s. 1008.22(3)(e)2.a.(II). However, beginning with the 2012-2013 school year, to earn high school credit for a Biology I course, a middle grades school student must take pass the statewide, standardized Biology I EOC end-of-course assessment, which constitutes 30 percent of the student's final course grade, and earn a passing grade in the course.

(e)5- One course in career and education planning to be completed in 6th, 7th, or 8th grade. The course may be taught by any member of the instructional staff. At a minimum, the course must be Internet-based, easy to use, and customizable to each student and include research-based assessments to assist students in determining educational and career options and goals. In addition, the course; must result in a completed personalized academic and career plan for the student; must emphasize the importance of entrepreneurship skills; must emphasize technology or the application of technology in career fields; and, beginning in the 2014-2015 academic year, must include information from the Department of Economic Opportunity's economic security report as described in s. 445.07. The required personalized academic and career plan must inform students of high school graduation requirements, including a detailed explanation of the diploma designation options provided under s. 1003.4285; high school assessment and college entrance test requirements; Florida Bright Futures Scholarship Program requirements; state university and Florida College System institution admission requirements; available opportunities to, and programs through which a high school student can earn college credit in high school, including Advanced Placement courses; the International Baccalaureate Program; the Advanced International Certificate of Education Program; dual enrollment, including career dual enrollment; and career education courses, including academy and career-themed courses course opportunities, and courses that lead to national industry certification pursuant to s. 1003.492 or s. 1008.44.

A student with a disability, as defined in s. 1007.02(2), for whom the individual education plan team determines that an end-of-course assessment cannot accurately measure the student's abilities, taking into consideration all allowable accommodations, shall have the end-of-course assessment results waived for purposes of determining the student's course grade and completing the requirements for middle grades promotion. Each school must inform parents about the course curriculum and activities. Each student shall complete a personal education plan that must be signed by the student and the student's parent. The Department of Education shall develop course frameworks and professional development materials for the career and education planning course. The course may be implemented as a stand-alone course or integrated into another course or courses. The Commissioner of Education shall collect longitudinal high school course enrollment data by student ethnicity in order to analyze course-taking patterns.

(2)(b) If For each year in which a middle grades student scores at Level 1 or Level 2 on FCAT Reading or, when the state transitions to common core assessments on the English Language Arts assessments required under s. 1008.22, the following year the student must enroll be enrolled in and complete a remedial an intensive reading course the following year. Placement of Level 2 readers in either an intensive reading course or a content area course in which remediation reading strategies are incorporated into course content delivery delivered shall be determined by diagnosis of reading needs. The department shall provide guidance on appropriate strategies for diagnosing and meeting the varying instructional needs of students performing reading below grade level. Reading courses shall be designed and offered pursuant to the comprehensive reading plan required by

s. 1011.62(9). A middle grades student who scores at Level 1 or Level 2 on FCAT Reading but who did not score below Level 3 in the previous 3 years may be granted a 1 year exemption from the reading remediation requirement; however, the student must have an approved academic improvement plan already in place, signed by the appropriate school staff and the student's parent, for the year for which the exemption is granted.

(3)(e) ~~If For each year in which a middle grades student scores at Level 1 or Level 2 on FCAT Mathematics or, when the state transitions to common core assessments, on the mathematics common core assessments required under s. 1008.22, the following year, the student must receive remediation the following year, which may be integrated into the student's required mathematics courses course.~~

(2) ~~Students in grade 6, grade 7, or grade 8 who are not enrolled in schools with a middle grades configuration are subject to the promotion requirements of this section.~~

(4)(3) ~~The State Board of Education shall may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this section and may enforce the provisions of this section pursuant to s. 1008.32.~~

Section 14. Section 1003.4203, Florida Statutes, is amended to read:

1003.4203 Digital materials, recognitions, certificates, and technical assistance curriculum.—

(1) Each district school board, in consultation with the district school superintendent, shall make available ~~may develop and implement a~~ digital materials curriculum for students in prekindergarten grades 6 through grade 12 in order to enable students to attain digital skills competencies in web communications and web design. A digital curriculum may include web-based skills, web-based core technologies, web design, use of digital technologies and markup language to show competency in computer skills, and use of web-based core technologies to design creative, informational, and content standards for web-based digital products that demonstrate proficiency in creating, publishing, testing, monitoring, and maintaining a website.

(2) ~~The digital materials curriculum instruction may be integrated into middle school and high school subject area curricula, or offered as a separate course, made available through open-access options, or deployed through online or digital computer applications, subject to available funding.~~

(2) Beginning with the 2013-2014 school year, each district school board, in consultation with the district school superintendent, shall make available digital and instructional materials, including software applications, to students with disabilities who are in prekindergarten through grade 12.

(3) Subject to available funding, by December 1, 2013, the department shall contract with one or more technology companies, or affiliated nonprofit organizations, that have approved industry certifications identified on the Industry Certification Funding List or the Postsecondary Industry Certification Funding List, pursuant to s. 1003.492 or s. 1008.44, to develop a Florida Cyber Security Recognition and a Florida Digital Arts Recognition. The department shall notify each school district when the recognitions are developed and available. The recognitions shall be made available to all public elementary school students at no cost to the districts or charter schools.

(a) Targeted knowledge and skills to be mastered for each recognition shall be identified by the department. Knowledge and skills may be demonstrated through student attainment of the below recognitions in particular content areas:

1. The Florida Cyber Security Recognition must be based upon an understanding of computer processing operations and, in most part, on cyber security skills that increase a student's cyber-safe practices.

2. The Florida Digital Arts Recognition must reflect a balance of skills in technology and the arts.

(b) The technology companies or affiliated nonprofit organizations that provide the recognition must provide open access to materials for teaching and assessing the skills a student must acquire in order to earn a Florida Cyber Security Recognition or a Florida Digital Arts Recognition. The school district shall notify each elementary school advisory council of the methods of delivery of the open-access content and assessments. If there is no elementary school advisory council, notification must be provided to the district advisory council.

(4) Subject to available funding, by December 1, 2013, the department shall contract with one or more technology companies that have approved industry certifications identified on the Industry Certification Funding List or the Postsecondary Industry Certification Funding List, pursuant to s. 1003.492 or s. 1008.44, to develop a Florida Digital Tools Certificate to indicate a student's digital skills. The department shall notify each school district when the certificate is developed and available. The certificate shall be made available to all public middle grades students at no cost to the districts or charter schools.

(a) Targeted skills to be mastered for the certificate include digital skills that are necessary to the student's academic work and skills the student may need in future employment. The skills must include, but are not limited to, word processing, spreadsheet display, and creation of presentations, including sound, text, and graphic presentations, consistent with industry certifications that are listed on the Industry Certification Funding List, pursuant to s. 1003.492.

(b) A technology company that provides the certificate must provide open access to materials for teaching and assessing the skills necessary to earn the certificate. The school district shall notify each middle school advisory council of the methods of delivery of the open-access content and assessments for the certificate. If there is no middle school advisory council, notification must be provided to the district advisory council.

(c) The Legislature intends that by July 1, 2018, on an annual basis, at least 75 percent of public middle grades students earn a Florida Digital Tools Certificate.

(5)(3) The Department of Education or a company contracted with under subsection (4) shall provide technical assistance to ~~shall develop a model digital curriculum to serve as a guide for~~ district school boards in the implementation of this section. Technical assistance to districts shall include, but is not limited to, identification of digital resources, primarily open-access resources, including digital curriculum, instructional materials, media assets, and other digital tools and applications; training mechanisms for teachers and others to facilitate integration of digital resources and technologies into instructional strategies; and model policies and procedures that support sustainable implementation practices ~~development of a digital curriculum.~~

(6)(4) A district school board may seek partnerships with other school districts, private businesses, postsecondary institutions, or and consultants to offer classes and instruction to teachers and students to assist the school district in providing digital materials, recognitions, and certificates established pursuant to this section ~~curriculum instruction.~~

(7) The State Board of Education shall adopt rules to administer this section.

Section 15. Section 1003.428, Florida Statutes, is amended to read:

1003.428 General requirements for high school graduation; ~~revised.~~—

(1) ~~Except as otherwise authorized pursuant to s. 1003.429,~~ Beginning with students entering grade 9 in the 2007-2008 school year, graduation requires the successful completion of a minimum of 24 credits, an International Baccalaureate curriculum, or an Advanced International Certificate of Education curriculum. Students must be advised of eligibility requirements for state scholarship programs and postsecondary admissions.

(2) ~~The 24 credits may be earned through applied, integrated, and career education combined~~ courses approved by the Department of Education. The 24 credits shall be distributed as follows:

(a) Sixteen core curriculum credits:

1. Four credits in English, with major concentration in composition, reading for information, and literature.

2. Four credits in mathematics, one of which must be Algebra I, a series of courses equivalent to Algebra I, or a higher-level mathematics course. Beginning with students entering grade 9 in the 2010-2011 school year, in addition to the Algebra I credit requirement, one of the four credits in mathematics must be geometry or a series of courses equivalent to geometry as approved by the State Board of Education. Beginning with students entering grade 9 in the 2010-2011 school year, the end-of-course assessment requirements under s. 1008.22(3)(c)2.a.(I) must be met in order for a student to earn the required credit in Algebra I. Beginning with students entering grade 9 in the 2011-2012 school year, the end-of-course assessment requirements under s. 1008.22(3)(c)2.a.(I) must be met in order for a student to earn the

required credit in geometry. Beginning with students entering grade 9 in the 2012-2013 school year, in addition to the Algebra I and geometry credit requirements, one of the four credits in mathematics must be Algebra II or a series of courses equivalent to Algebra II as approved by the State Board of Education.

3. Three credits in science, two of which must have a laboratory component. Beginning with students entering grade 9 in the 2011-2012 school year, one of the three credits in science must be Biology I or a series of courses equivalent to Biology I as approved by the State Board of Education. Beginning with students entering grade 9 in the 2011-2012 school year, the end-of-course assessment requirements under s. 1008.22(3)(c)2.a.(II) must be met in order for a student to earn the required credit in Biology I. Beginning with students entering grade 9 in the 2013-2014 school year, one of the three credits must be Biology I or a series of courses equivalent to Biology I as approved by the State Board of Education, one credit must be chemistry or physics or a series of courses equivalent to chemistry or physics as approved by the State Board of Education, and one credit must be an equally rigorous course, as determined by the State Board of Education.

4. Three credits in social studies as follows: one credit in United States history; one credit in world history; one-half credit in economics, which shall include financial literacy; and one-half credit in United States government.

5. One credit in fine or performing arts, speech and debate, or a practical arts course that incorporates artistic content and techniques of creativity, interpretation, and imagination. Eligible practical arts courses shall be identified through the Course Code Directory.

6. One credit in physical education to include integration of health. Participation in an interscholastic sport at the junior varsity or varsity level for two full seasons shall satisfy the one-credit requirement in physical education if the student passes a competency test on personal fitness with a score of "C" or better. The competency test on personal fitness must be developed by the Department of Education. A district school board may not require that the one credit in physical education be taken during the 9th grade year. Completion of one semester with a grade of "C" or better in a marching band class, in a physical activity class that requires participation in marching band activities as an extracurricular activity, or in a dance class shall satisfy one-half credit in physical education or one-half credit in performing arts. This credit may not be used to satisfy the personal fitness requirement or the requirement for adaptive physical education under an individual education plan (IEP) or 504 plan. Completion of 2 years in a Reserve Officer Training Corps (R.O.T.C.) class, a significant component of which is drills, shall satisfy the one-credit requirement in physical education and the one-credit requirement in performing arts. This credit may not be used to satisfy the personal fitness requirement or the requirement for adaptive physical education under an individual education plan (IEP) or 504 plan.

(b) Eight credits in electives.

1. For each year in which a student scores ~~at~~ Level 1 on FCAT Reading, the student must be enrolled in and complete an intensive reading course the following year. Placement of Level 2 readers in either an intensive reading course or a content area course in which reading strategies are delivered shall be determined by diagnosis of reading needs. The department shall provide guidance on appropriate strategies for diagnosing and meeting the varying instructional needs of students reading below grade level. Reading courses shall be designed and offered pursuant to the comprehensive reading plan required by s. 1011.62(9). A high school student who scores ~~at~~ Level 1 or Level 2 on FCAT Reading but who did not score below Level 3 in the previous 3 years may be granted a 1-year exemption from the reading remediation requirement; however, the student must have an approved academic improvement plan already in place, signed by the appropriate school staff and the student's parent, for the year for which the exemption is granted.

2. For each year in which a student scores ~~at~~ Level 1 or Level 2 on FCAT Mathematics, the student must receive remediation the following year. These courses may be taught through applied, integrated, or combined courses and are subject to approval by the department for inclusion in the Course Code Directory.

(c) Beginning with students entering grade 9 in the 2011-2012 school year, at least one course within the 24 credits required in this subsection must be

completed through online learning. A school district may not require a student to take the online course outside the school day or in addition to a student's courses for a given semester. An online course taken during grades 6 through 8 fulfills this requirement. This requirement shall be met through an online course offered by the Florida Virtual School, an online course offered by the high school, or an online dual enrollment course. A student who is enrolled in a full-time or part-time virtual instruction program under s. 1002.45 meets this requirement. This requirement does not apply to a student who has an individual educational plan under s. 1003.57 which indicates that an online course would be inappropriate or a student who is enrolled in a Florida high school and has less than 1 academic year remaining in high school.

(3)(a) A district school board may require specific courses and programs of study within the minimum credit requirements for high school graduation and shall modify basic courses, as necessary, to assure exceptional students the opportunity to meet the graduation requirements for a standard diploma, using one of the following strategies:

1. Assignment of the exceptional student to an exceptional education class for instruction in a basic course with the same student performance standards as those required of nonexceptional students in the district school board student progression plan; or

2. Assignment of the exceptional student to a basic education class for instruction that is modified to accommodate the student's exceptionality.

(b) The district school board shall determine which of these strategies to employ based upon an assessment of the student's needs and shall reflect this decision in the student's individual education plan.

(4) Each district school board shall establish standards for graduation from its schools, which must include:

(a) Successful completion of the academic credit or curriculum requirements of subsections (1) and (2). For courses that require statewide, standardized end-of-course assessments under s. 1008.22(3)(c)2.d., a minimum of 30 percent of a student's course grade shall be comprised of performance on the statewide, standardized end-of-course assessment.

(b) Earning passing scores on the FCAT, as defined in s. 1008.22(3)(c), or scores on a standardized test that are concordant with passing scores on the FCAT as defined in s. 1008.22(10).

(c) Completion of all other applicable requirements prescribed by the district school board pursuant to s. 1008.25.

(d) Achievement of a cumulative grade point average of 2.0 on a 4.0 scale, or its equivalent, in the courses required by this section.

Each district school board shall adopt policies designed to assist students in meeting the requirements of this subsection. These policies may include, but are not limited to: forgiveness policies, summer school or before or after school attendance, special counseling, volunteers or peer tutors, school-sponsored help sessions, homework hotlines, and study skills classes. Forgiveness policies for required courses shall be limited to replacing a grade of "D" or "F," or the equivalent of a grade of "D" or "F," with a grade of "C" or higher, or the equivalent of a grade of "C" or higher, earned subsequently in the same or comparable course. Forgiveness policies for elective courses shall be limited to replacing a grade of "D" or "F," or the equivalent of a grade of "D" or "F," with a grade of "C" or higher, or the equivalent of a grade of "C" or higher, earned subsequently in another course. The only exception to these forgiveness policies shall be made for a student in the middle grades who takes any high school course for high school credit and earns a grade of "C," "D," or "F" or the equivalent of a grade of "C," "D," or "F." In such case, the district forgiveness policy must allow the replacement of the grade with a grade of "C" or higher, or the equivalent of a grade of "C" or higher, earned subsequently in the same or comparable course. In all cases of grade forgiveness, only the new grade shall be used in the calculation of the student's grade point average. Any course grade not replaced according to a district school board forgiveness policy shall be included in the calculation of the cumulative grade point average required for graduation.

(5) The State Board of Education, after a public hearing and consideration, shall adopt rules based upon the recommendations of the commissioner for the provision of test accommodations and modifications of procedures as necessary for students with disabilities which will demonstrate the student's



abilities rather than reflect the student's impaired sensory, manual, speaking, or psychological process skills.

(6) The public hearing and consideration required in subsection (5) shall not be construed to amend or nullify the requirements of security relating to the contents of examinations or assessment instruments and related materials or data as prescribed in s. 1008.23.

(7)(a) A student who meets all requirements prescribed in subsections (1), (2), (3), and (4) shall be awarded a standard diploma in a form prescribed by the State Board of Education.

(b) A student who completes the minimum number of credits and other requirements prescribed by subsections (1), (2), and (3), but who is unable to meet the standards of paragraph (4)(b), paragraph (4)(c), or paragraph (4)(d), shall be awarded a certificate of completion in a form prescribed by the State Board of Education. However, any student who is otherwise entitled to a certificate of completion may elect to remain in the secondary school either as a full-time student or a part-time student for up to 1 additional year and receive special instruction designed to remedy his or her identified deficiencies.

(8)(a) Each district school board must provide instruction to prepare students with disabilities to demonstrate proficiency in the core content knowledge and skills necessary for successful grade-to-grade progression and high school graduation.

(b)1. A student with a disability, as defined in s. 1007.02(2), for whom the individual education plan (IEP) committee determines that the FCAT cannot accurately measure the student's abilities taking into consideration all allowable accommodations, shall have the FCAT requirement of paragraph (4)(b) waived for the purpose of receiving a standard high school diploma, if the student:

a. Completes the minimum number of credits and other requirements prescribed by subsections (1), (2), and (3).

b. Does not meet the requirements of paragraph (4)(b) after one opportunity in 10th grade and one opportunity in 11th grade.

2. A student with a disability, as defined in s. 1007.02(2), for whom the IEP committee determines that an end-of-course assessment cannot accurately measure the student's abilities, taking into consideration all allowable accommodations, shall have the end-of-course assessment results waived for the purpose of determining the student's course grade and credit as required in paragraph (4)(a).

~~(9) The Commissioner of Education may award a standard high school diploma to honorably discharged veterans who started high school between 1937 and 1946 and were scheduled to graduate between 1941 and 1950 but were inducted into the United States Armed Forces between September 16, 1940, and December 31, 1946, prior to completing the necessary high school graduation requirements. Upon the recommendation of the commissioner, the State Board of Education may develop criteria and guidelines for awarding such diplomas.~~

~~(10) The Commissioner of Education may award a standard high school diploma to honorably discharged veterans who started high school between 1946 and 1950 and were scheduled to graduate between 1950 and 1954, but were inducted into the United States Armed Forces between June 27, 1950, and January 31, 1955, and served during the Korean Conflict prior to completing the necessary high school graduation requirements. Upon the recommendation of the commissioner, the State Board of Education may develop criteria and guidelines for awarding such diplomas.~~

~~(9)(11)~~ The State Board of Education may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this section and may enforce the provisions of this section pursuant to s. 1008.32.

Section 16. Subsection (1) of section 1003.4281, Florida Statutes, is amended to read:

1003.4281 Early high school graduation.—

(1) The purpose of this section is to provide a student the option of early graduation if the student ~~earns has completed a minimum of~~ 24 credits and meets the graduation requirements set forth in s. 1003.428 or s. 1003.4282, as applicable. For purposes of this section, the term "early graduation" means graduation from high school in less than 8 semesters or the equivalent.

Section 17. Section 1003.4282, Florida Statutes, is created to read:

1003.4282 Requirements for a standard high school diploma.—

(1) TWENTY-FOUR CREDITS REQUIRED.—

(a) Beginning with students entering grade 9 in the 2013-2014 school year, receipt of a standard high school diploma requires successful completion of 24 credits, an International Baccalaureate curriculum, or an Advanced International Certificate of Education curriculum.

(b) The required credits may be earned through equivalent, applied, or integrated courses or career education courses as defined in s. 1003.01(4), including work-related internships approved by the State Board of Education and identified in the course code directory. However, any must-pass assessment requirements must be met. An equivalent course is one or more courses identified by content-area experts as being a match to the core curricular content of another course, based upon review of the Next Generation Sunshine State Standards for that subject. An applied course aligns with Next Generation Sunshine State Standards and includes real-world applications of a career and technical education standard used in business or industry. An integrated course includes content from several courses within a content area or across content areas.

(2) NOTIFICATION REQUIREMENTS.—The school district must notify students and parents, in writing, of the requirements for a standard high school diploma, available designations, and the eligibility requirements for state scholarship programs and postsecondary admissions. The Department of Education shall directly and through the school districts notify registered private schools of public high school course credit and assessment requirements. Each private school must make this information available to students and their parents so they are aware of public high school graduation requirements.

(3) STANDARD HIGH SCHOOL DIPLOMA; COURSE AND ASSESSMENT REQUIREMENTS.—

(a) Four credits in English Language Arts (ELA).—The four credits must be in ELA I, II, III, and IV. A student must pass 10th grade FCAT Reading until the state transitions to a common core 10th grade ELA assessment, after which time a student must pass the ELA assessment in order to earn a standard high school diploma.

(b) Four credits in mathematics.—A student must earn one credit in Algebra I and one credit in geometry. A student's performance on the Algebra I end-of-course (EOC) assessment or common core assessment, as applicable, constitutes 30 percent of the student's final course grade. A student must pass the Algebra I EOC assessment until the state transitions to a common core Algebra I assessment after which time a student must pass the common core assessment in order to earn a standard high school diploma. A student's performance on the Geometry EOC assessment or common core assessment, as applicable, constitutes 30 percent of the student's final course grade. When the state administers a common core Algebra II assessment, a student selecting Algebra II must take the assessment, and the student's performance on the assessment constitutes 30 percent of the student's final course grade. Industry certification courses that lead to college credit may substitute for up to two math credits.

(c) Three credits in science.—Two of the three required credits must have a laboratory component. A student must earn one credit in Biology I and two credits in equally rigorous courses. The Biology I EOC assessment constitutes 30 percent of the student's final course grade. Industry certification courses that lead to college credit may substitute for up to one science credit.

(d) Three credits in social studies.—A student must earn one credit in United States History; one credit in World History; one-half credit in economics, which must include financial literacy; and one-half credit in United States Government. The United States History EOC assessment constitutes 30 percent of the student's final course grade.

(e) One credit in fine or performing arts, speech and debate, or practical arts.—The practical arts course must incorporate artistic content and techniques of creativity, interpretation, and imagination. Eligible practical arts courses are identified in the Course Code Directory.

(f) One credit in physical education.—Physical education must include the integration of health. This requirement is subject to all of the provisions in s. 1003.428(2)(a)6.

(g) Eight credits in electives.—School districts must develop and offer coordinated electives so that a student may develop knowledge and skills in

his or her area of interest, such as electives with a STEM or liberal arts focus. Such electives must include opportunities for students to earn college credit, including industry-certified career education programs or series of career-themed courses that result in industry certification or articulate into the award of college credit, or career education courses for which there is a statewide or local articulation agreement and which lead to college credit.

(4) ONLINE COURSE REQUIREMENT.—Excluding a driver education course, at least one course within the 24 credits required under this section must be completed through online learning. A school district may not require a student to take the online course outside the school day or in addition to a student's courses for a given semester. An online course taken in grade 6, grade 7, or grade 8 fulfills this requirement. This requirement is met through an online course offered by the Florida Virtual School, a virtual education provider approved by the State Board of Education, a high school, or an online dual enrollment course. A student who is enrolled in a full-time or part-time virtual instruction program under s. 1002.45 meets this requirement. This requirement does not apply to a student who has an individual education plan under s. 1003.57 which indicates that an online course would be inappropriate or to an out-of-state transfer student who is enrolled in a Florida high school and has 1 academic year or less remaining in high school.

(5) REMEDIAL POLICY FOR HIGH SCHOOL STUDENTS.—

(a) Each year a student scores Level 1 or Level 2 on 9th grade or 10th grade FCAT Reading or, when implemented, 9th grade, 10th grade, or 11th grade common core English Language Arts (ELA) assessments, the student must be enrolled in and complete an intensive remedial course the following year or be placed in a content area course that includes remediation of skills not acquired by the student.

(b) Each year a student scores Level 1 or Level 2 on the Algebra I EOC assessment, or upon transition to the common core Algebra I assessment, the student must be enrolled in and complete an intensive remedial course the following year or be placed in a content area course that includes remediation of skills not acquired by the student.

(6) GRADE FORGIVENESS POLICY.—Each district school board shall adopt policies designed to assist students in meeting graduation requirements including grade forgiveness policies. Forgiveness policies for required courses shall be limited to replacing a grade of "D" or "F" with a grade of "C" or higher earned subsequently in the same or comparable course. Forgiveness policies for elective courses shall be limited to replacing a grade of "D" or "F" with a grade of "C" or higher—earned subsequently in another course. The only exception to these forgiveness policies shall be made for a student in the middle grades who takes any high school course for high school credit and earns a grade of "C," "D," or "F". In such case, the district forgiveness policy must allow the replacement of the grade with a grade of "C" or higher earned subsequently in the same or comparable course. In all cases of grade forgiveness, only the new grade shall be used in the calculation of the student's grade point average. Any course grade not replaced according to a district school board forgiveness policy shall be included in the calculation of the cumulative grade point average required for graduation.

(7) AWARD OF A STANDARD HIGH SCHOOL DIPLOMA.—A student who earns a cumulative grade point average (GPA) of 2.0 on a 4.0 scale and meets the requirements of this section shall be awarded a standard high school diploma in a form prescribed by the State Board of Education. Notwithstanding any other law to the contrary, all students enrolled in high school as of the 2012-2013 school year who earned a passing grade in Biology I or geometry before the 2013-2014 school year shall be awarded a credit in that course if the student passed the course. The student's performance on the EOC assessment is not required to constitute 30 percent of the student's final course grade. A student who fails to earn the required credits or achieve a 2.0 GPA shall be awarded a certificate of completion in a form prescribed by the State Board of Education.

(8) UNIFORM TRANSFER OF HIGH SCHOOL CREDITS.—Beginning with the 2012-2013 school year, if a student transfers to a Florida public high school from out of country, out of state, a private school, or a home education program and the student's transcript shows a mathematics credit in a course that requires passage of a statewide, standardized assessment in order to earn a standard high school diploma, the student must pass the assessment unless

the student earned a comparative score pursuant to s. 1008.22, passed a statewide assessment in that subject administered by the transferring entity, or passed the statewide assessment the transferring entity uses to satisfy the requirements of the Elementary and Secondary Education Act, 20 U.S.C. s. 6301. If a student's transcript shows a credit in high school reading or English Language Arts II or III, the student must take and pass grade 10 FCAT Reading or earn a concordant score on the SAT or ACT as specified by state board rule or, when the state transitions to common core English Language Arts assessments, earn a passing score on the English Language Arts assessment as required under this section.

(9) CAREER EDUCATION COURSES THAT SATISFY HIGH SCHOOL CREDIT REQUIREMENTS.—

(a) Participation in career education courses engages students in their high school education, increases academic achievement, enhances employability, and increases postsecondary success. By July 1, 2014, the department shall develop, for approval by the State Board of Education, multiple, additional career education courses or a series of courses that meet the requirements set forth in s. 1003.493(2), (4), and (5) and this subsection and allow students to earn credit in both the career education course and courses required for high school graduation under this section and ss. 1003.428 and 1003.4281.

1. The state board must determine if sufficient academic standards are covered to warrant the award of academic credit.

2. Career education courses must include workforce and digital literacy skills and the integration of required course content with practical applications and designated rigorous coursework that results in one or more industry certifications or clearly articulated credit or advanced standing in a 2-year or 4-year certificate or degree program, which may include high school junior and senior year work-related internships or apprenticeships. The department shall negotiate state licenses for material and testing for industry certifications. The instructional methodology used in these courses must be comprised of authentic projects, problems, and activities for contextually learning the academics.

(b) Each school district should take the initiative to work with local workforce boards, local business and industry leaders, and postsecondary institutions to establish partnerships for the purpose of creating career education courses or a series of courses that meet the requirements set forth in s. 1003.493(2), (4), and (5) that students can take to earn required high school course credits. Emphasis should be placed on online course work and digital literacy. School districts must submit their recommended career education courses to the department for state board approval. School district-recommended career education courses must meet the same rigorous standards as department-developed career education courses in order to be approved by the state board. School districts participating in the development of rigorous career education courses will be able to better address local workforce needs and allow students the opportunity to acquire the knowledge and skills that are needed not only for academic advancement but also for employability purposes.

(c) Regional consortium service organizations established pursuant to s. 1001.451 shall work with school districts, local workforce boards, postsecondary institutions, and local business and industry leaders to create career education courses that meet the requirements set forth in s. 1003.493(2), (4), and (5) and this subsection that students can take to earn required high school course credits. The regional consortium shall submit course recommendations to the department, on behalf of the consortium member districts, for state board approval. A strong emphasis should be placed on online course work, digital literacy, and workforce literacy as defined in s. 1004.02(27). For purposes of providing students the opportunity to earn industry certifications, consortiums must secure the necessary site licenses and testing contracts for use by member districts.

(10) RULES.—The State Board of Education shall adopt rules to implement this section.

Section 18. Section 1003.4285, Florida Statutes, is amended to read:  
1003.4285 Standard high school diploma designations.—

(1) Each standard high school diploma shall include, as applicable, the following designations if the student meets the criteria set forth for the designation:

(a) Scholar designation.—In addition to the requirements of ss. 1003.428 and 1003.4282, as applicable, in order to earn the Scholar designation, a student must satisfy the following requirements:

1. English Language Arts (ELA).—When the state transitions to common core assessments, pass the 11th grade ELA common core assessment.

2. Mathematics.—Earn one credit in Algebra II and one credit in statistics or an equally rigorous course. When the state transitions to common core assessments, students must pass the Algebra II common core assessment.

3. Science.—Pass the statewide, standardized Biology I end-of-course assessment and earn one credit in chemistry or physics and one credit in a course equally rigorous to chemistry or physics.

4. Social studies.—Pass the statewide, standardized United States History end-of-course assessment.

5. Foreign language.—Earn two credits in the same foreign language.

6. Electives.—Earn at least one credit in an Advanced Placement, an International Baccalaureate, an Advanced International Certificate of Education, or a dual enrollment course.

(b) Merit designation.—In addition to the requirements of ss. 1003.428 and 1003.4282, as applicable, in order to earn the Merit designation, a student must attain one or more industry certifications from the list established under s. 1003.492.

(2) Students and parents shall be provided information about diploma designations through an online education and career planning tool, which allows students to monitor their progress toward the attainment of each designation.

(3) The State Board of Education may make recommendations to the Legislature regarding the establishment of additional designations.

(1) A designation of the student's major area of interest pursuant to the student's completion of credits as provided in s. 1003.428.

(2) A designation reflecting completion of four or more accelerated college credit courses if the student is eligible for college credit pursuant to s. 1007.27 or s. 1007.271 in Advanced Placement, International Baccalaureate, Advanced International Certificate of Education, or dual enrollment courses. The Commissioner of Education shall establish guidelines for successful passage of examinations or coursework in each of the accelerated college credit options for purposes of this subsection.

(3) A designation reflecting the attainment of one or more industry certifications from the list approved by Workforce Florida, Inc., under s. 1003.492.

(4) A designation reflecting a Florida Ready to Work Credential in accordance with s. 445.06.

Section 19. Section 1003.4286, Florida Statutes, is created to read:

1003.4286 Award of standard high school diplomas to honorably discharged veterans.—Pursuant to rules adopted by the State Board of Education in consultation with the Department of Military Affairs, the Commissioner of Education may award a standard high school diploma to an honorably discharged veteran who has not completed high school graduation requirements.

Section 20. Section 1003.429, Florida Statutes, is repealed.

Section 21. Subsections (1) and (3) of section 1003.4295, Florida Statutes, are amended to read:

1003.4295 Acceleration options.—

(1) Each high school shall advise each student of courses programs through which a high school student can earn college credit, including Advanced Placement, International Baccalaureate, Advanced International Certificate of Education, dual enrollment, ~~and~~ early admission ~~courses~~, and career academy courses; and courses that lead to ~~national~~ industry certification, as well as the availability of course offerings through virtual instruction. Students shall also be advised of the early ~~and accelerated~~ graduation options under s. ~~ss.~~ 1003.4281 ~~and~~ 1003.429.

(3) The Credit Acceleration Program (CAP) is created for the purpose of allowing a student to earn high school credit in Algebra I, Algebra II, geometry, United States history, or biology ~~a course that requires a statewide, standardized end-of-course assessment~~ if the student passes the statewide, standardized assessment administered under s. 1008.22 ~~attains a specified score on the assessment~~. Notwithstanding s. 1003.436, a school district shall award course credit to a student who is not enrolled in the course, or who has

not completed the course, if the student attains a passing score on the corresponding statewide, standardized ~~end-of-course~~ assessment. The school district shall permit a student who is not enrolled in the course, or who has not completed the course, to take the ~~standardized end-of-course~~ assessment during the regular administration of the assessment.

Section 22. Section 1003.43, Florida Statutes, is repealed.

Section 23. Section 1003.433, Florida Statutes, is amended to read:

1003.433 Learning opportunities for out-of-state and out-of-country transfer students and students needing additional instruction to meet high school graduation requirements.—

(1) Students who enter a Florida public school at the eleventh or twelfth grade from out of state or ~~out of from a foreign~~ country shall not be required to spend additional time in a Florida public school in order to meet the high school course requirements if the student has met all requirements of the school district, state, or country from which he or she is transferring. Such students who are not proficient in English should receive immediate and intensive instruction in English language acquisition. However, to receive a standard high school diploma, a transfer student must earn a 2.0 grade point average and ~~meet the requirements under s. 1008.22~~ ~~pass the grade 10 FCAT required in s. 1008.22(3) or an alternate assessment as described in s. 1008.22(10).~~

(2) Students who earn the required 24 credits ~~have met all requirements~~ for the standard high school diploma except for passage of any must-pass assessment under s. 1003.4282 or s. 1008.22 ~~the grade 10 FCAT~~ or an alternate assessment by the end of grade 12 must be provided the following learning opportunities:

(a) Participation in an accelerated high school equivalency diploma preparation program during the summer.

(b) Upon receipt of a certificate of completion, be allowed to take the College Placement Test and be admitted to remedial or credit courses at a Florida College System institution, as appropriate.

(c) Participation in an adult general education program as provided in s. 1004.93 for such time as the student requires to master English, reading, mathematics, or any other subject required for high school graduation. ~~Students attending adult basic, adult secondary, or vocational preparatory instruction are exempt from any requirement for the payment of tuition and fees, including lab fees, pursuant to s. 1009.25.~~ A student attending an adult general education program shall have the opportunity to take any must-pass assessment under s. 1003.4282 or s. 1008.22 ~~the grade 10 FCAT~~ an unlimited number of times in order to receive a standard high school diploma.

(3) Students who have been enrolled in an ESOL program for less than 2 school years and have met all requirements for the standard high school diploma except for passage of any must-pass assessment under s. 1003.4282 or s. 1008.22 ~~the grade 10 FCAT~~ or alternate assessment may receive immersion English language instruction during the summer following their senior year. Students receiving such instruction are eligible to take the required assessment ~~FCAT~~ or alternate assessment and receive a standard high school diploma upon passage of the required assessment ~~grade 10 FCAT~~ or ~~the~~ alternate assessment. This subsection shall be implemented to the extent funding is provided in the General Appropriations Act.

~~(4) The district school superintendent shall be responsible for notifying all students of the consequences of failure to receive a standard high school diploma, including the potential ineligibility for financial assistance at postsecondary educational institutions.~~

~~(4)(5)~~ The State Board of Education may adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section.

Section 24. Subsection (6) of section 1003.435, Florida Statutes, is amended to read:

1003.435 High school equivalency diploma program.—

~~(6)(a)~~ All high school equivalency diplomas issued under the provisions of this section shall have equal status with other high school diplomas for all state purposes, including admission to any state university or Florida College System institution.

~~(b) The State Board of Education shall adopt rules providing for the award of a standard high school diploma to holders of high school equivalency diplomas who are assessed as meeting designated criteria, and the commissioner shall establish procedures for administering the assessment.~~

Section 25. Paragraph (a) of subsection (1) of section 1003.436, Florida Statutes, is amended to read:

1003.436 Definition of "credit".—

(1)(a) For the purposes of requirements for high school graduation, one full credit means a minimum of 135 hours of bona fide instruction in a designated course of study that contains student performance standards, except as otherwise provided through the Credit Acceleration Program (CAP) under s. 1003.4295(3). One full credit means a minimum of 120 hours of bona fide instruction in a designated course of study that contains student performance standards for purposes of meeting high school graduation requirements in a district school that has been authorized to implement block scheduling by the district school board. The State Board of Education shall determine the number of postsecondary credit hours earned through dual enrollment pursuant to s. 1007.271 that satisfy the requirements of a dual enrollment articulation agreement according to s. 1007.271(21) and that equal one full credit of the equivalent high school course identified pursuant to s. 1007.271(9).

Section 26. Section 1003.438, Florida Statutes, is amended to read:

1003.438 Special high school graduation requirements for certain exceptional students.—A student who has been identified, in accordance with rules established by the State Board of Education, as a student with disabilities who has an intellectual disability; an autism spectrum disorder; a language impairment; an orthopedic impairment; an other health impairment; a traumatic brain injury; an emotional or behavioral disability; a specific learning disability, including, but not limited to, dyslexia, dyscalculia, or developmental aphasia; or students who are deaf or hard of hearing or dual sensory impaired shall not be required to meet all requirements of ~~s. 1003.42 or s. 1003.428 or s. 1003.4282~~ and shall, upon meeting all applicable requirements prescribed by the district school board pursuant to s. 1008.25, be awarded a special diploma in a form prescribed by the commissioner; however, such special graduation requirements prescribed by the district school board must include minimum graduation requirements as prescribed by the commissioner. Any such student who meets all special requirements of the district school board, but is unable to meet the appropriate special state minimum requirements, shall be awarded a special certificate of completion in a form prescribed by the commissioner. However, this section does not limit or restrict the right of an exceptional student solely to a special diploma or special certificate of completion. Any such student shall, upon proper request, be afforded the opportunity to fully meet all requirements of ~~s. 1003.42 or s. 1003.428 or s. 1003.4282~~ through the standard procedures established therein and thereby to qualify for a standard diploma upon graduation.

Section 27. Paragraphs (e) and (f) of subsection (3) of section 1003.491, Florida Statutes, are amended to read:

1003.491 Florida Career and Professional Education Act.—The Florida Career and Professional Education Act is created to provide a statewide planning partnership between the business and education communities in order to attract, expand, and retain targeted, high-value industry and to sustain a strong, knowledge-based economy.

(3) The strategic 3-year plan developed jointly by the local school district, regional workforce boards, economic development agencies, and state-approved postsecondary institutions shall be constructed and based on:

(e) Strategies to provide personalized student advisement, including a parent-participation component, and coordination with middle grades schools to promote and support career-themed courses and education planning as required under s. 1003.4156;

(f) Alignment of requirements for middle school career planning under s. ~~1003.4156(1)(c)~~ ~~1003.4156(1)(a)5~~, middle and high school career and professional academies or career-themed courses leading to industry certification or postsecondary credit, and high school graduation requirements;

Section 28. Section 1003.4935, Florida Statutes, is amended to read:

1003.4935 Middle grades school career and professional academy courses and career-themed courses.—

(1) Beginning with the 2011-2012 school year, each district school board, in collaboration with regional workforce boards, economic development agencies, and state-approved postsecondary institutions, shall include plans to implement a career and professional academy or a career-themed course, as defined in s. 1003.493(1)(b), in at least one middle school in the district as

part of the strategic 3-year plan pursuant to s. 1003.491(2). The strategic plan must provide students the opportunity to transfer from a middle school career and professional academy or a career-themed course to a high school career and professional academy or a career-themed course currently operating within the school district. Students who complete a middle school career and professional academy or a career-themed course must have the opportunity to earn an industry certificate and high school credit and participate in career planning, job shadowing, and business leadership development activities.

(2) Each middle grades school career and professional academy or career-themed course must be aligned with at least one high school career and professional academy or career-themed course offered in the district and maintain partnerships with local business and industry and economic development boards. Middle grades school career and professional academies and career-themed courses must:

(a) Lead to careers in occupations designated as high-skill, high-wage, and high-demand in the Industry Certification Funding List approved under rules adopted by the State Board of Education;

(b) Integrate content from core subject areas;

(c) Integrate career and professional academy or career-themed course content with intensive reading, English Language Arts, and mathematics pursuant to ~~ss. 1003.428 and 1003.4282~~;

(d) Coordinate with high schools to maximize opportunities for middle grades school students to earn high school credit;

(e) Provide access to virtual instruction courses provided by virtual education providers legislatively authorized to provide part-time instruction to middle grades school students. The virtual instruction courses must be aligned to state curriculum standards for middle grades school career and professional academy courses or career-themed courses, with priority given to students who have required course deficits;

(f) Provide instruction from highly skilled professionals who hold industry certificates in the career area in which they teach;

(g) Offer externships; and

(h) Provide personalized student advisement that includes a parent-participation component.

(3) Beginning with the 2012-2013 school year, if a school district implements a middle school career and professional academy or a career-themed course, the Department of Education shall collect and report student achievement data pursuant to performance factors identified under s. 1003.492(3) for students enrolled in an academy or a career-themed course.

~~(4) The State Board of Education shall adopt rules to identify industry certifications in science, technology, engineering, and mathematics offered in middle school to be included on the Industry-Certified Funding List and which are eligible for additional full-time equivalent membership under s. 1011.62(1).~~

Section 29. Paragraph (c) of subsection (3) of section 1003.51, Florida Statutes, is amended to read:

1003.51 Other public educational services.—

(3) The Department of Education in partnership with the Department of Juvenile Justice, the district school boards, and providers shall:

(c) Maintain standardized required content of education records to be included as part of a youth's commitment record. These requirements shall reflect the policy and standards adopted pursuant to subsection (2) and shall include, but not be limited to, the following:

1. A copy of the student's individual educational plan.

2. ~~Assessment Data on student performance on assessments, including grade level proficiency in reading, writing, and mathematics, and performance on tests taken according to s. 1008.22.~~

3. A copy of the student's permanent cumulative record.

4. A copy of the student's academic transcript.

5. A portfolio reflecting the youth's academic accomplishments while in the Department of Juvenile Justice program.

Section 30. Subsection (4) of section 1003.621, Florida Statutes, is amended to read:

1003.621 Academically high-performing school districts.—It is the intent of the Legislature to recognize and reward school districts that demonstrate the ability to consistently maintain or improve their high-performing status. The purpose of this section is to provide high-performing school districts with

flexibility in meeting the specific requirements in statute and rules of the State Board of Education.

(4) **REPORTS.**—The academically high-performing school district shall submit to the State Board of Education and the Legislature an annual report on December 1 which delineates the performance of the school district relative to the academic performance of students at each grade level in reading, writing, mathematics, science, and any other subject that is included as a part of the statewide assessment program in s. 1008.22. The annual report shall be submitted in a format prescribed by the Department of Education and shall include, ~~but need not be limited to, the following:~~

(a) Longitudinal performance of students ~~on in mathematics, reading, writing, science, and any other subject that is included as a part of the statewide, standardized assessments taken under assessment program in s. 1008.22;~~

(b) Longitudinal performance of students by grade level and subgroup ~~on in mathematics, reading, writing, science, and any other subject that is included as a part of the statewide, standardized assessments taken under assessment program in s. 1008.22;~~

(c) Longitudinal performance regarding efforts to close the achievement gap;

(d)1. Number and percentage of students who take an Advanced Placement Examination; and

2. Longitudinal performance regarding students who take an Advanced Placement Examination by demographic group, specifically by age, gender, race, and Hispanic origin, and by participation in the National School Lunch Program;

(e) Evidence of compliance with subsection (1); and

(f) A description of each waiver and the status of each waiver.

Section 31. Subsection (1) of section 1004.935, Florida Statutes, is amended to read:

1004.935 Adults with Disabilities Workforce Education Pilot Program.—

(1) The Adults with Disabilities Workforce Education Pilot Program is established in the Department of Education for 2 years in Hardee, DeSoto, Manatee, and Sarasota Counties to provide the option of receiving a scholarship for instruction at private schools for up to 30 students who:

(a) Have a disability;

(b) Are 22 years of age;

(c) Are receiving instruction from an instructor in a private school to meet the high school graduation requirements in s. 1003.428 or s. 1003.4282;

(d) Do not have a standard high school diploma or a special high school diploma; and

(e) Receive "supported employment services," which means employment that is located or provided in an integrated work setting with earnings paid on a commensurate wage basis and for which continued support is needed for job maintenance.

As used in this section, the term "student with a disability" includes a student who is documented as having an intellectual disability; a speech impairment; a language impairment; a hearing impairment, including deafness; a visual impairment, including blindness; a dual sensory impairment; an orthopedic impairment; another health impairment; an emotional or behavioral disability; a specific learning disability, including, but not limited to, dyslexia, dyscalculia, or developmental aphasia; a traumatic brain injury; a developmental delay; or autism spectrum disorder.

Section 32. Subsections (2), (7), (9), and (11) of section 1007.271, Florida Statutes, are amended to read:

1007.271 Dual enrollment programs.—

(2) For the purpose of this section, an eligible secondary student is a student who is enrolled in a Florida public secondary school or in a Florida private secondary school which is in compliance with s. 1002.42(2) and provides a secondary curriculum pursuant to s. 1003.428 ~~or s. 1003.4282, s. 1003.429, or s. 1003.43~~. Students who are eligible for dual enrollment pursuant to this section may enroll in dual enrollment courses conducted during school hours, after school hours, and during the summer term. However, if the student is projected to graduate from high school before the scheduled completion date of a postsecondary course, the student may not register for that course through dual enrollment. The student may apply to the

postsecondary institution and pay the required registration, tuition, and fees if the student meets the postsecondary institution's admissions requirements under s. 1007.263. Instructional time for dual enrollment may vary from 900 hours; however, the school district may only report the student for a maximum of 1.0 FTE, as provided in s. 1011.61(4). Any student enrolled as a dual enrollment student is exempt from the payment of registration, tuition, and laboratory fees. Applied academics for adult education ~~Vocational-preparatory~~ instruction, college-preparatory instruction, and other forms of precollegiate instruction, as well as physical education courses that focus on the physical execution of a skill rather than the intellectual attributes of the activity, are ineligible for inclusion in the dual enrollment program. Recreation and leisure studies courses shall be evaluated individually in the same manner as physical education courses for potential inclusion in the program.

(7) Career dual enrollment shall be provided as a curricular option for secondary students to pursue in order to earn industry certifications adopted pursuant to s. 1008.44, which count as a series of elective credits toward the high school diploma. Career dual enrollment shall be available for secondary students seeking a degree and industry certification ~~through or certificate from a career education complete career-preparatory program or course and may not be used to enroll students in isolated career courses.~~

(9) The Commissioner of Education shall appoint faculty committees representing public school, Florida College System institution, and university faculties to identify postsecondary courses that meet the high school graduation requirements of s. 1003.428 ~~or s. 1003.4282, s. 1003.429, or s. 1003.43~~ and to establish the number of postsecondary semester credit hours of instruction and equivalent high school credits earned through dual enrollment pursuant to this section that are necessary to meet high school graduation requirements. Such equivalencies shall be determined solely on comparable course content and not on seat time traditionally allocated to such courses in high school. The Commissioner of Education shall recommend to the State Board of Education those postsecondary courses identified to meet high school graduation requirements, based on mastery of course outcomes, by their course numbers, and all high schools shall accept these postsecondary education courses toward meeting the requirements of s. 1003.428 ~~or s. 1003.4282, s. 1003.429, or s. 1003.43~~.

(11) Career early admission is a form of career dual enrollment through which eligible secondary students enroll full time in a career center or a Florida College System institution in postsecondary programs leading to industry certifications, as listed in the Postsecondary Industry Certification Funding List pursuant to s. 1008.44, which courses that are creditable toward the high school diploma and the certificate or associate degree. Participation in the career early admission program is limited to students who have completed a minimum of ~~4~~ 6 semesters of full-time secondary enrollment, including studies undertaken in the ninth grade. Students enrolled pursuant to this section are exempt from the payment of registration, tuition, and laboratory fees.

Section 33. Section 1008.22, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 1008.22, F.S., for present text.)

1008.22 Student assessment program for public schools.—

(1) PURPOSE.—The primary purpose of the student assessment program is to provide student academic achievement and learning gains data to students, parents, teachers, school administrators, and school district staff. This data is to be used by districts to improve instruction; by students, parents, and teachers to guide learning objectives; by education researchers to assess national and international education comparison data; and by the public to assess the cost benefit of the expenditure of taxpayer dollars. The program must be designed to:

(a) Assess the achievement level and annual learning gains of each student in English Language Arts and mathematics and the achievement level in all other subjects assessed.

(b) Provide data for making decisions regarding school accountability, recognition, and improvement of operations and management, including schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs.

(c) Identify the educational strengths and needs of students and the readiness of students to be promoted to the next grade level or to graduate from high school.

(d) Assess how well educational goals and curricular standards are met at the school, district, state, national, and international levels.

(e) Provide information to aid in the evaluation and development of educational programs and policies.

(2) NATIONAL AND INTERNATIONAL EDUCATION COMPARISONS.—Florida school districts shall participate in the administration of the National Assessment of Educational Progress, or similar national or international assessments, both for the national sample and for any state-by-state comparison programs that may be initiated, as directed by the commissioner. The assessments must be conducted using the data collection procedures, student surveys, educator surveys, and other instruments included in the National Assessment of Educational Progress or similar national or international assessments being administered in Florida. The administration of such assessments shall be in addition to and separate from the administration of the statewide, standardized assessments.

(3) STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM.—The Commissioner of Education shall design and implement a statewide, standardized assessment program aligned to the core curricular content established in the Next Generation Sunshine State Standards. The commissioner also must develop or select and implement a common battery of assessment tools that will be used in all juvenile justice education programs in the state. These tools must accurately measure the core curricular content established in the Next Generation Sunshine State Standards. Participation in the assessment program is mandatory for all school districts and all students attending public schools, including students seeking an adult high school diploma and students in Department of Juvenile Justice education programs, except as otherwise prescribed by the commissioner. If a student does not participate in the assessment program, the school district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation. The statewide, standardized assessment program shall be designed and implemented as follows:

(a) Florida Comprehensive Assessment Test (FCAT) until replaced by common core assessments.—FCAT Reading shall be administered annually in grades 3 through 10; FCAT Mathematics shall be administered annually in grades 3 through 8; FCAT Writing shall be administered annually at least once at the elementary, middle, and high school levels; and FCAT Science shall be administered annually at least once at the elementary and middle grades levels. A student who has not earned a passing score on grade 10 FCAT Reading must participate in each retake of the assessment until the student earns a passing score. The commissioner shall recommend and the State Board of Education must adopt a score on both the SAT and ACT that is concordant to a passing score on grade 10 FCAT Reading that, if achieved by a student, meets the must-pass requirement for grade 10 FCAT Reading.

(b) End-of-course (EOC) assessments.—EOC assessments must be statewide, standardized, and developed or approved by the Department of Education as follows:

1. Statewide, standardized EOC assessments in mathematics shall be administered according to this subparagraph. Beginning with the 2010-2011 school year, all students enrolled in Algebra I must take the Algebra I EOC assessment. Except as otherwise provided in this section, beginning with students entering grade 9 in the 2011-2012 school year, a student who is enrolled in Algebra I must earn a passing score on the Algebra I EOC assessment or attain a comparative score as authorized under subsection (8) in order to earn a standard high school diploma. A student who has not earned a passing score on the Algebra I EOC assessment must participate in each retake of the assessment until the student earns a passing score. Beginning with the 2011-2012 school year, all students enrolled in geometry must take the Geometry EOC assessment. Middle grades students enrolled in Algebra I or geometry must take the statewide, standardized EOC assessment for those courses and are not required to take the corresponding grade-level FCAT.

2. Statewide, standardized EOC assessments in science shall be administered according to this subparagraph. Beginning with the 2011-2012

school year, all students enrolled in Biology I must take the Biology I EOC assessment.

3. During the 2012-2013 school year, an EOC assessment in civics education shall be administered as a field test at the middle grades level. Beginning with the 2013-2014 school year, each student's performance on the statewide, standardized EOC assessment in civics education constitutes 30 percent of the student's final course grade.

4. The commissioner may select one or more nationally developed comprehensive examinations, which may include examinations for a College Board Advanced Placement course, International Baccalaureate course, or Advanced International Certificate of Education course, or industry-approved examinations to earn national industry certifications identified in the Industry Certification Funding List, for use as EOC assessments under this paragraph if the commissioner determines that the content knowledge and skills assessed by the examinations meet or exceed the grade-level expectations for the core curricular content established for the course in the Next Generation Sunshine State Standards. Use of any such examination as an EOC assessment must be approved by the state board.

5. Contingent upon funding provided in the General Appropriations Act, including the appropriation of funds received through federal grants, the commissioner may establish an implementation schedule for the development and administration of additional statewide, standardized EOC assessments that must be approved by the state board. If approved by the state board, student performance on such assessments constitutes 30 percent of a student's final course grade.

6. All statewide, standardized EOC assessments must be administered online except as otherwise provided in paragraph (c).

(c) Students with disabilities; Florida Alternate Assessment.—

1. Each district school board must provide instruction to prepare students with disabilities in the core content knowledge and skills necessary for successful grade-to-grade progression and high school graduation.

2. A student with a disability, as defined in s. 1007.02(2), for whom the individual education plan (IEP) team determines that the statewide, standardized assessments under this section cannot accurately measure the student's abilities, taking into consideration all allowable accommodations, shall have assessment results waived for the purpose of receiving a course grade and a standard high school diploma. Such waiver shall be designated on the student's transcript.

3. The State Board of Education shall adopt rules, based upon recommendations of the commissioner, for the provision of assessment accommodations for students with disabilities and for students who have limited English proficiency.

a. Accommodations that negate the validity of a statewide, standardized assessment are not allowed during the administration of the assessment. However, instructional accommodations are allowed in the classroom if identified in a student's IEP. Students using instructional accommodations in the classroom that are not allowed on a statewide, standardized assessment may have assessment results waived if the IEP team determines that the assessment cannot accurately measure the student's abilities.

b. If a student is provided with instructional accommodations in the classroom that are not allowed as accommodations for statewide, standardized assessments, the district must inform the parent in writing and provide the parent with information regarding the impact on the student's ability to meet expected performance levels. A parent must provide signed consent for a student to receive classroom instructional accommodations that would not be available or permitted on a statewide, standardized assessment and acknowledge in writing that he or she understands the implications of such instructional accommodations.

c. If a student's IEP states that online administration of a statewide, standardized assessment will significantly impair the student's ability to perform, the assessment shall be administered in hard copy.

4. For students with significant cognitive disabilities, the Department of Education shall provide for implementation of the Florida Alternate Assessment to accurately measure the core curricular content established in the Next Generation Sunshine State Standards.

(d) Common core assessments in English Language Arts (ELA) and mathematics.—

1. Contingent upon funding, common core assessments in ELA shall be administered to students in grades 3 through 11. Retake opportunities for the grade 10 assessment must be provided. Students taking the ELA assessments are not required to take the assessments in FCAT Reading or FCAT Writing. Common core ELA assessments shall be administered online.

2. Contingent upon funding, common core assessments in mathematics shall be administered to all students in grades 3 through 8, and common core assessments in Algebra I, geometry, and Algebra II shall be administered to students enrolled in those courses. Retake opportunities must be provided for the Algebra I assessment. Students may take the common core mathematics assessments pursuant to the Credit Acceleration Program (CAP) under s. 1003.4295(3). Students taking common core assessments in mathematics are not required to take FCAT Mathematics or statewide, standardized EOC assessments in mathematics. Common core mathematics assessments shall be administered online.

3. The State Board of Education shall adopt rules establishing an implementation schedule to transition from FCAT Reading, FCAT Writing, FCAT Mathematics, and Algebra I and Geometry EOC assessments to common core assessments in English Language Arts and mathematics. The schedule must take into consideration funding, sufficient field and baseline data, access to assessments, instructional alignment, and school district readiness to administer the common core assessments online. Until the 10th grade common core ELA and Algebra I assessments become must-pass assessments, students must pass 10th grade FCAT Reading and the Algebra I EOC assessment, or achieve a concordant or comparative score as authorized under this section, in order to earn a standard high school diploma under s. 1003.4282. Students taking 10th grade FCAT Reading or the Algebra I EOC assessment are not required to take the respective common core assessments.

4. The Department of Education shall publish minimum and recommended technology requirements that include specifications for hardware, software, networking, security, and broadband capacity to facilitate school district compliance with the requirement that common core assessments be administered online.

(e) Assessment scores and achievement levels.—

1. All statewide, standardized EOC assessments and FCAT Reading, FCAT Writing, and FCAT Science shall use scaled scores and achievement levels. Achievement levels shall range from 1 through 5, with level 1 being the lowest achievement level, level 5 being the highest achievement level, and level 3 indicating satisfactory performance on an assessment. For purposes of FCAT Writing, student achievement shall be scored using a scale of 1 through 6.

2. The state board shall designate by rule a passing score for each statewide, standardized EOC and FCAT assessment. In addition, the state board shall designate a score for each statewide, standardized EOC assessment that indicates that a student is high achieving and has the potential to meet college-readiness standards by the time the student graduates from high school.

3. If the commissioner seeks to revise a statewide, standardized assessment and the revisions require the state board to modify performance level scores, including the passing score, the commissioner shall provide a copy of the proposed scores and implementation plan to the President of the Senate and the Speaker of the House of Representatives at least 90 days before submission to the state board for review. Until the state board adopts the modifications by rule, the commissioner shall use calculations for scoring the assessment that adjust student scores on the revised assessment for statistical equivalence to student scores on the former assessment. The state board shall adopt by rule the passing score for the revised assessment that is statistically equivalent to the passing score on the discontinued assessment for a student who is required to attain a passing score on the discontinued assessment. The commissioner may, with approval of the state board, discontinue administration of the former assessment upon the graduation, based on normal student progression, of students participating in the final regular administration of the former assessment. If the commissioner revises a statewide, standardized assessment and the revisions require the state board to modify the passing score, only students taking the assessment for the first time after the rule is adopted are affected.

(f) Assessment schedules and reporting of results.—The Commissioner of Education shall establish schedules for the administration of assessments and the reporting of student assessment results. The commissioner shall consider the observance of religious and school holidays when developing the schedule. By August 1 of each year, the commissioner shall notify each school district in writing and publish on the department's website the assessment and reporting schedules for, at a minimum, the school year following the upcoming school year. The assessment and reporting schedules must provide the earliest possible reporting of student assessment results to the school districts. Assessment results for FCAT Reading and FCAT Mathematics must be made available no later than the week of June 8. The administration of FCAT Writing and the Florida Alternate Assessment may be no earlier than the week of March 1. School districts shall administer assessments in accordance with the schedule established by the commissioner.

(g) Prohibited activities.—A district school board shall prohibit each public school from suspending a regular program of curricula for purposes of administering practice assessments or engaging in other assessment-preparation activities for a statewide, standardized assessment. However, a district school board may authorize a public school to engage in the following assessment-preparation activities:

1. Distributing to students sample assessment books and answer keys published by the Department of Education.

2. Providing individualized instruction in assessment-taking strategies, without suspending the school's regular program of curricula, for a student who scores Level 1 or Level 2 on a prior administration of an assessment.

3. Providing individualized instruction in the content knowledge and skills assessed, without suspending the school's regular program of curricula, for a student who scores Level 1 or Level 2 on a prior administration of an assessment or a student who, through a diagnostic assessment administered by the school district, is identified as having a deficiency in the content knowledge and skills assessed.

4. Administering a practice assessment or engaging in other assessment-preparation activities that are determined necessary to familiarize students with the organization of the assessment, the format of assessment items, and the assessment directions or that are otherwise necessary for the valid and reliable administration of the assessment, as set forth in rules adopted by the State Board of Education with specific reference to this paragraph.

(h) Contracts for assessments.—The commissioner shall provide for the assessments to be developed or obtained, as appropriate, through contracts and project agreements with private vendors, public vendors, public agencies, postsecondary educational institutions, or school districts. The commissioner may enter into contracts for the continued administration of the assessments authorized and funded by the Legislature. Contracts may be initiated in 1 fiscal year and continue into the next fiscal year and may be paid from the appropriations of either or both fiscal years. The commissioner may negotiate for the sale or lease of tests, scoring protocols, test scoring services, and related materials developed pursuant to law.

(4) SCHOOL ASSESSMENT PROGRAMS.—Each public school shall participate in the statewide, standardized assessment program in accordance with the assessment and reporting schedules and the minimum and recommended technology requirements published by the Commissioner of Education. District school boards shall not establish school calendars that conflict with or jeopardize implementation of the assessment program. All district school boards shall report assessment results as required by the state management information system. Performance data shall be analyzed and reported to parents, the community, and the state. Student performance data shall be used by districts in developing objectives for the school improvement plan, evaluating instructional personnel and administrative personnel, assigning staff, allocating resources, acquiring instructional materials and technology, implementing performance-based budgeting, and promoting and assigning students to educational programs. The analysis of student performance data must also identify strengths and needs in the educational program and trends over time. The analysis must be used in conjunction with the budgetary planning processes developed pursuant to s. 1008.385 and the development of remediation programs.

(5) REQUIRED ANALYSES.—The commissioner shall provide, at a minimum, statewide, standardized assessment data analysis showing student achievement levels and learning gains by teacher, school, and school district.

(6) LOCAL ASSESSMENTS.—

(a) Measurement of student learning gains in all subjects and grade levels, except those subjects and grade levels measured under the statewide, standardized assessment program described in this section, is the responsibility of the school districts.

(b) Beginning with the 2014-2015 school year, each school district shall administer for each course offered in the district a student assessment that measures mastery of the content, as described in the state-adopted course description, at the necessary level of rigor for the course. Such assessments may include:

1. Statewide assessments.

2. Other standardized assessments, including nationally recognized standardized assessments.

3. Industry certification examinations.

4. District-developed or district-selected end-of-course assessments.

(c) The Commissioner of Education shall identify methods to assist and support districts in the development and acquisition of assessments required under this subsection. Methods may include developing item banks, facilitating the sharing of developed tests among school districts, acquiring assessments from state and national curriculum-area organizations, and providing technical assistance in best professional practices of test development based upon state-adopted curriculum standards, administration, and security.

(7) CONCORDANT SCORES FOR 10TH GRADE FCAT READING.—Until the state transitions to common core English Language Arts assessments, the Commissioner of Education must identify scores on the SAT and ACT that if achieved satisfy the graduation requirement that a student pass 10th grade FCAT Reading. The commissioner may identify concordant scores on other assessments as well. If the content or scoring procedures change for 10th grade FCAT Reading, new concordant scores must be determined. If new concordant scores are not timely adopted, the last-adopted concordant scores remain in effect until such time as new scores are adopted. The state board shall adopt concordant scores in rule.

(8) COMPARATIVE SCORES FOR END-OF-COURSE (EOC) ASSESSMENTS.—The Commissioner of Education must identify one or more comparative scores for the Algebra I EOC assessment and may identify comparative scores for the other EOC assessments. If the content or scoring procedures change for the EOC assessments, new comparative scores must be determined. If new comparative scores are not timely adopted, the last-adopted comparative scores remain in effect until such time as new scores are adopted. The state board shall adopt comparative scores in rule.

(9) REPORTS.—The Department of Education shall annually provide a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives which shall include the following:

(a) Longitudinal performance of students in reading and mathematics.

(b) Longitudinal performance of students by grade level in reading and mathematics.

(c) Longitudinal performance regarding efforts to close the achievement gap.

(d) Other student performance data based on national norm-referenced and criterion-referenced tests, if available; national assessments, such as the National Assessment of Educational Progress; and international assessments.

(e) The number of students who after 8th grade enroll in adult education rather than other secondary education.

(f) Any plan or intent to establish or implement new statewide, standardized assessments.

(10) RULES.—The State Board of Education shall adopt rules to implement this section.

Section 34. Paragraph (f) of subsection (2), paragraphs (a) and (b) of subsection (4), paragraphs (a) and (b) of subsection (5), paragraph (b) of subsection (6), subsection (7), and subsection (8) of section 1008.25, Florida Statutes, are amended, and paragraph (h) is added to subsection (2) of that section, to read:

1008.25 Public school student progression; remedial instruction; reporting requirements.—

(2) COMPREHENSIVE STUDENT PROGRESSION PLAN.—Each district school board shall establish a comprehensive plan for student progression which must:

(f) Advise parents and students of the early ~~and accelerated~~ graduation options under ~~s. ss. 1003.4281 and 1003.429~~.

(h) Provide instructional sequences by which students in kindergarten through high school may attain progressively higher levels of skill in the use of digital tools and applications. The instructional sequences must include participation in curricular and instructional options and the demonstration of competence of standards required pursuant to ss. 1003.41 and 1003.4203 through attainment of industry certifications and other means of demonstrating credit requirements identified under ss. 1002.3105, 1003.4203, 1003.428, and 1003.4282.

(4) ASSESSMENT AND REMEDIATION.—

(a) Each student must participate in the statewide, standardized assessment program tests required by s. 1008.22. Each student who does not meet specific levels of performance on the required assessments as determined by the district school board ~~in FCAT reading, writing, science, and mathematics for each grade level~~, or who scores below Level 3 on ~~in~~ FCAT Reading or FCAT Mathematics or on the common core English Language Arts or mathematics assessments as applicable under s. 1008.22, must be provided with additional diagnostic assessments to determine the nature of the student's difficulty, the areas of academic need, and strategies for appropriate intervention and instruction as described in paragraph (b).

(b) The school in which the student is enrolled must develop, in consultation with the student's parent, and must implement a progress monitoring plan. A progress monitoring plan is intended to provide the school district and the school flexibility in meeting the academic needs of the student and to reduce paperwork. A student who is not meeting the school district or state requirements for proficiency in reading and mathematics ~~math~~ shall be covered by one of the following plans to target instruction and identify ways to improve his or her academic achievement:

1. A federally required student plan such as an individual education plan;
2. A schoolwide system of progress monitoring for all students; or
3. An individualized progress monitoring plan.

The plan chosen must be designed to assist the student or the school in meeting state and district expectations for proficiency. If the student has been identified as having a deficiency in reading, the K-12 comprehensive reading plan required by s. 1011.62(9) shall include instructional and support services to be provided to meet the desired levels of performance. District school boards may require low-performing students to attend remediation programs held before or after regular school hours or during the summer if transportation is provided.

(5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

(a) ~~It is the ultimate goal of the Legislature that every student read at or above grade level.~~ Any student who exhibits a substantial deficiency in reading, based upon locally determined or statewide assessments conducted in kindergarten or grade 1, grade 2, or grade 3, or through teacher observations, must be given intensive reading instruction immediately following the identification of the reading deficiency. The student's reading proficiency must be reassessed by locally determined assessments or through teacher observations at the beginning of the grade following the intensive reading instruction. The student must continue to be provided with intensive reading instruction until the reading deficiency is remedied.

(b) ~~Beginning with the 2002-2003 school year, if a student's reading deficiency, as identified in paragraph (a), is not remedied by the end of grade 3, as demonstrated by scoring at Level 2 or higher on the statewide, standardized assessment required under s. 1008.22 test in reading for grade 3, the student must be retained.~~

(6) ELIMINATION OF SOCIAL PROMOTION.—

(b) The district school board may only exempt students from mandatory retention, as provided in paragraph (5)(b), for good cause. Good cause exemptions shall be limited to the following:



1. Limited English proficient students who have had less than 2 years of instruction in an English for Speakers of Other Languages program.

2. Students with disabilities whose individual education plan indicates that participation in the statewide assessment program is not appropriate, consistent with the requirements of State Board of Education rule.

3. Students who demonstrate an acceptable level of performance on an alternative standardized reading or English Language Arts assessment approved by the State Board of Education.

4. A student ~~Students~~ who demonstrates ~~demonstrate~~, through a student portfolio; that ~~he or she the student~~ is performing reading on grade level as evidenced by demonstration of mastery of the Sunshine State Standards in reading equal to at least a Level 2 performance on the FCAT Reading or the common core English Language Arts assessment, as applicable under s. 1008.22.

5. Students with disabilities who participate in ~~the~~ FCAT Reading or the common core English Language Arts assessment, as applicable under s. 1008.22, and who have an individual education plan or a Section 504 plan that reflects that the student has received intensive remediation in reading and English Language Arts for more than 2 years but still demonstrates a deficiency ~~in reading~~ and was previously retained in kindergarten, grade 1, grade 2, or grade 3.

6. Students who have received intensive remediation in reading and English Language Arts, as applicable under s. 1008.22, for 2 or more years but still demonstrate a deficiency ~~in reading~~ and who were previously retained in kindergarten, grade 1, grade 2, or grade 3 for a total of 2 years. Intensive ~~reading~~ instruction for students so promoted must include an altered instructional day that includes specialized diagnostic information and specific reading strategies for each student. The district school board shall assist schools and teachers to implement reading strategies that research has shown to be successful in improving reading among low-performing readers.

#### (7) SUCCESSFUL PROGRESSION FOR RETAINED THIRD GRADE STUDENTS READERS.—

(a) Students retained under the provisions of paragraph (5)(b) must be provided intensive interventions in reading to ameliorate the student's specific reading deficiency, as identified by a valid and reliable diagnostic assessment. This intensive intervention must include effective instructional strategies, participation in the school district's summer reading camp, and appropriate teaching methodologies necessary to assist those students in becoming successful readers, able to read at or above grade level, and ready for promotion to the next grade.

(b) ~~Beginning with the 2004-2005 school year,~~ Each school district shall:

1. ~~Conduct a review of student progress monitoring plans for all students who did not score above Level 1 on the reading portion of the FCAT and did not meet the criteria for one of the good cause exemptions in paragraph (6)(b). The review shall address additional supports and services, as described in this subsection, needed to remediate the identified areas of reading deficiency. The school district shall require a student portfolio to be completed for each such student.~~

1.2. Provide third grade students who are retained under the provisions of paragraph (5)(b) with intensive instructional services and supports to remediate the identified areas of reading deficiency, including participation in the school district's summer reading camp as required under paragraph (a) and a minimum of 90 minutes of daily, uninterrupted, scientifically research-based reading instruction which includes phonemic awareness, phonics, fluency, vocabulary, and comprehension and other strategies prescribed by the school district, which may include, but are not limited to:

a. ~~Integration of science and social studies content within the 90-minute block.~~

~~b.a.~~ Small group instruction.

~~c.b.~~ Reduced teacher-student ratios.

~~d.e.~~ More frequent progress monitoring.

~~e.d.~~ Tutoring or mentoring.

~~f.e.~~ Transition classes containing 3rd and 4th grade students.

~~g.f.~~ Extended school day, week, or year.

~~g.~~ Summer reading camps.

2.3. Provide written notification to the parent of any student who is retained under the provisions of paragraph (5)(b) that his or her child has not

met the proficiency level required for promotion and the reasons the child is not eligible for a good cause exemption as provided in paragraph (6)(b). The notification must comply with the provisions of s. 1002.20(15) and must include a description of proposed interventions and supports that will be provided to the child to remediate the identified areas of reading deficiency.

3.4. Implement a policy for the midyear promotion of any student retained under the provisions of paragraph (5)(b) who can demonstrate that he or she is a successful and independent reader ~~and performing reading~~ at or above grade level in reading and English Language Arts, as applicable under s. 1008.22, ~~and ready to be promoted to grade 4.~~ Tools that school districts may use in reevaluating any student retained may include subsequent assessments, alternative assessments, and portfolio reviews, in accordance with rules of the State Board of Education. ~~Students promoted during the school year after November 1 must demonstrate proficiency above that required to score at Level 2 on the grade 3 FCAT, as determined by the State Board of Education. The State Board of Education shall adopt standards that provide a reasonable expectation that the student's progress is sufficient to master appropriate 4th grade level reading skills.~~

4.5. Provide students who are retained under the provisions of paragraph (5)(b) with a highly effective high performing teacher as determined by the teacher's performance evaluation under s. 1012.34 ~~student performance data and above satisfactory performance appraisals.~~

6. In addition to required reading enhancement and acceleration strategies, provide parents of students to be retained with at least one of the following instructional options:

a. Supplemental tutoring in scientifically research-based reading services in addition to the regular reading block, including tutoring before and/or after school.

b. A "Read at Home" plan outlined in a parental contract, including participation in "Families Building Better Readers Workshops" and regular parent-guided home reading.

e. A mentor or tutor with specialized reading training.

7. ~~Establish a Reading Enhancement and Acceleration Development (READ) Initiative. The focus of the READ Initiative shall be to prevent the retention of grade 3 students and to offer intensive accelerated reading instruction to grade 3 students who failed to meet standards for promotion to grade 4 and to each K-3 student who is assessed as exhibiting a reading deficiency. The READ Initiative shall:~~

a. Be provided to all K-3 students at risk of retention as identified by the statewide assessment system used in Reading First schools. The assessment must measure phonemic awareness, phonics, fluency, vocabulary, and comprehension.

b. Be provided during regular school hours in addition to the regular reading instruction.

e. Provide a state-identified reading curriculum that has been reviewed by the Florida Center for Reading Research at Florida State University and meets, at a minimum, the following specifications:

(I) ~~Assists students assessed as exhibiting a reading deficiency in developing the ability to read at grade level.~~

(II) ~~Provides skill development in phonemic awareness, phonics, fluency, vocabulary, and comprehension.~~

(III) ~~Provides scientifically-based and reliable assessment.~~

(IV) ~~Provides initial and ongoing analysis of each student's reading progress.~~

(V) ~~Is implemented during regular school hours.~~

(VI) ~~Provides a curriculum in core academic subjects to assist the student in maintaining or meeting proficiency levels for the appropriate grade in all academic subjects.~~

5.8. Establish at each school, ~~when~~ where applicable, an Intensive Acceleration Class for retained grade 3 students who subsequently score at Level 1 on the required statewide, standardized assessment identified in s. 1008.22 reading portion of the FCAT. The focus of the Intensive Acceleration Class shall be to increase a child's reading and English Language Arts skill level at least two grade levels in 1 school year. The Intensive Acceleration Class shall:

a. Be provided to any student in grade 3 who scores at Level 1 on ~~the reading portion of the FCAT Reading or the common core English Language~~

Arts assessment, as applicable under s. 1008.22, and who was retained in grade 3 the prior year because of scoring at Level 1 on the reading portion of the FCAT.

b. Have a reduced teacher-student ratio.

c. Provide uninterrupted reading instruction for the majority of student contact time each day and incorporate opportunities to master the grade 4 Next Generation Sunshine State Standards in other core subject areas.

d. Use a reading program that is scientifically research-based and has proven results in accelerating student reading achievement within the same school year.

e. Provide intensive language and vocabulary instruction using a scientifically research-based program, including use of a speech-language therapist.

~~f. Include weekly progress monitoring measures to ensure progress is being made.~~

~~g. Report to the Department of Education, in the manner described by the department, the progress of students in the class at the end of the first semester.~~

~~9. Report to the State Board of Education, as requested, on the specific intensive reading interventions and supports implemented at the school district level. The Commissioner of Education shall annually prescribe the required components of requested reports.~~

~~10. Provide a student who has been retained in grade 3 and has received intensive instructional services but is still not ready for grade promotion, as determined by the school district, the option of being placed in a transitional instructional setting. Such setting shall specifically be designed to produce learning gains sufficient to meet grade 4 performance standards while continuing to remediate the areas of reading deficiency.~~

(8) ANNUAL REPORT.—

(a) In addition to the requirements in paragraph (5)(b), each district school board must annually report to the parent of each student the progress of the student toward achieving state and district expectations for proficiency in reading, writing, science, and mathematics. The district school board must report to the parent the student's results on each statewide assessment test. The evaluation of each student's progress must be based upon the student's classroom work, observations, tests, district and state assessments, and other relevant information. Progress reporting must be provided to the parent in writing in a format adopted by the district school board.

(b) Each district school board must annually publish on the district website and in the local newspaper, and report in writing to the State Board of Education by September 1 of each year, the following information on the prior school year:

1. The provisions of this section relating to public school student progression and the district school board's policies and procedures on student retention and promotion.

2. By grade, the number and percentage of all students in grades 3 through 10 performing at Levels 1 and 2 on the reading portion of the FCAT.

3. By grade, the number and percentage of all students retained in grades 3 through 10.

4. Information on the total number of students who were promoted for good cause, by each category of good cause as specified in paragraph (6)(b).

5. Any revisions to the district school board's policy on student retention and promotion from the prior year.

~~(e) The Department of Education shall establish a uniform format for school districts to report the information required in paragraph (b). The format shall be developed with input from district school boards and shall be provided not later than 90 days prior to the annual due date. The department shall annually compile the information required in subparagraphs (b)2., 3., and 4., along with state-level summary information, and report such information to the Governor, the President of the Senate, and the Speaker of the House of Representatives.~~

Section 35. Subsection (3) of section 1008.30, Florida Statutes, is amended to read:

1008.30 Common placement testing for public postsecondary education.—

(3) The State Board of Education shall adopt rules that require high schools to evaluate before the beginning of grade 12 the college readiness of each student who scores at Level 2 or Level 3 on the reading portion of the

grade 10 FCAT Reading or the English Language Arts assessment under s. 1008.22, as applicable, or Level 2, Level 3, or Level 4 on the Algebra I assessment mathematics assessments under s. 1008.22 ~~1008.22(3)(c)~~. High schools shall perform this evaluation using results from the corresponding component of the common placement test prescribed in this section, or an equivalent test identified by the State Board of Education. The State Board of Education shall identify in rule the assessments necessary to perform the evaluations required by this subsection and shall work with the school districts to administer the assessments. The State Board of Education shall establish by rule the minimum test scores a student must achieve to demonstrate readiness. Students who demonstrate readiness by achieving the minimum test scores established by the state board and enroll in a Florida College System institution within 2 years of achieving such scores shall not be required to retest or enroll in remediation when admitted to any Florida College System institution. The high school shall use the results of the test to advise the students of any identified deficiencies and to provide 12th grade students, and require them to complete, appropriate postsecondary preparatory instruction before ~~prior to~~ high school graduation. The curriculum provided under this subsection shall be identified in rule by the State Board of Education and encompass Florida's Postsecondary Readiness Competencies. Other elective courses may not be substituted for the selected postsecondary ~~reading, mathematics, reading, or writing, or English Language Arts~~ preparatory course unless the elective course covers the same competencies included in the postsecondary ~~reading, mathematics, reading, or writing, or English Language Arts~~ preparatory course.

Section 36. Paragraphs (b) and (c) of subsection (3) of section 1008.34, Florida Statutes, are amended to read:

1008.34 School grading system; school report cards; district grade.—

(3) DESIGNATION OF SCHOOL GRADES.—

(b)1. A school's grade shall be based on a combination of:

a. Student achievement scores on statewide, standardized, including achievement as measured by FCAT assessments under s. 1008.22 1008.22(3)(c)1., statewide, standardized end-of-course assessments under s. 1008.22(3)(c)2.a. and b., and achievement scores for students seeking a special diploma.

b. Student learning gains in FCAT Reading or, upon transition to common core assessments, the common core English Language Arts and Mathematics assessments as measured by ~~FCAT and~~ statewide, standardized ~~end-of-course~~ assessments administered pursuant to s. 1008.22, ~~as described in s. 1008.22(3)(c)1. and 2.a.,~~ including learning gains for students seeking a special diploma, as measured by an alternate assessment.

c. Improvement of the lowest 25th percentile of students in the school in reading or, upon transition to common core assessments, English Language Arts and Mathematics on the FCAT or end-of-course assessments administered pursuant to s. 1008.22 ~~described in s. 1008.22(3)(c)2.a.,~~ unless these students are exhibiting satisfactory performance.

2. Beginning with the 2011-2012 school year, for schools comprised of middle school grades 6 through 8 or grades 7 and 8, the school's grade shall include the performance and participation of its students enrolled in high school level courses with statewide, standardized end-of-course assessments administered under s. 1008.22 ~~1008.22(3)(c)2.a.~~ Performance and participation must be weighted equally. As valid data becomes available, the school grades shall include the students' attainment of national industry certification identified in the Industry Certification Funding List pursuant to rules adopted by the state board.

3. Beginning with the 2009-2010 school year for schools comprised of high school grades 9, 10, 11, and 12, or grades 10, 11, and 12, at least 50 percent of the school grade shall be based on a combination of the factors listed in sub-subparagraphs 1.a.-c. and the remaining percentage on the following factors:

a. The high school graduation rate of the school;

b. As valid data becomes available, the performance and participation of the school's students in College Board Advanced Placement courses, International Baccalaureate courses, dual enrollment courses, and Advanced International Certificate of Education courses; and the students' achievement of national industry certification identified in the Industry Certification Funding List, pursuant to rules adopted by the state board;

c. Postsecondary readiness of all of the school's on-time graduates as measured by the SAT, the ACT, the Postsecondary Education Readiness Test, or the common placement test;

d. The high school graduation rate of at-risk students, who ~~score are students scoring at~~ Level 1 or Level 2 on grade 8 FCAT Reading or the English Language Arts and ~~FCAT~~ mathematics assessments administered under s. 1008.22;

e. As valid data becomes available, the performance of the school's students on statewide, standardized end-of-course assessments administered under s. 1008.22(3)(b)4. and 5. ~~1008.22(3)(c)2.e. and d.~~; and

f. The growth or decline in the components listed in sub-subparagraphs a.-e. from year to year.

(c) Student assessment data used in determining school grades shall include:

1. The aggregate scores of all eligible students enrolled in the school who have been assessed on ~~the FCAT and~~ statewide, standardized ~~end-of-course~~ assessments in courses required for high school graduation, including, beginning with the 2011-2012 school year, the end-of-course assessment in Algebra I; and beginning with the 2012-2013 school year, the end-of-course assessments in Geometry and Biology I; and beginning with the 2014-2015 school year, on the statewide, standardized end-of-course assessment in civics education at the middle ~~grades school~~ level.

2. The aggregate scores of all eligible students enrolled in the school who have been assessed on ~~the FCAT and~~ statewide, standardized ~~end-of-course~~ assessments under s. 1008.22 as described in s. 1008.22(3)(c)2.a., and who have scored at or in the lowest 25th percentile of students in the school in reading and mathematics, unless these students are exhibiting satisfactory performance.

3. The achievement scores and learning gains of eligible students attending alternative schools that provide dropout prevention and academic intervention services pursuant to s. 1003.53. The term "eligible students" in this subparagraph does not include students attending an alternative school who are subject to district school board policies for expulsion for repeated or serious offenses, who are in dropout retrieval programs serving students who have officially been designated as dropouts, or who are in programs operated or contracted by the Department of Juvenile Justice. The student performance data for eligible students identified in this subparagraph shall be included in the calculation of the home school's grade. As used in this subparagraph and s. 1008.341, the term "home school" means the school to which the student would be assigned if the student were not assigned to an alternative school. If an alternative school chooses to be graded under this section, student performance data for eligible students identified in this subparagraph shall not be included in the home school's grade but shall be included only in the calculation of the alternative school's grade. A school district that fails to assign ~~the FCAT and~~ statewide, standardized end-of-course assessment ~~as described in s. 1008.22(3)(c)2.a.~~ scores of each of its students to his or her home school or to the alternative school that receives a grade shall forfeit Florida School Recognition Program funds for 1 fiscal year. School districts must require collaboration between the home school and the alternative school in order to promote student success. This collaboration must include an annual discussion between the principal of the alternative school and the principal of each student's home school concerning the most appropriate school assignment of the student.

4. The achievement scores and learning gains of students designated as hospital- or homebound. Student assessment data for students designated as hospital- or homebound shall be assigned to their home school for the purposes of school grades. As used in this subparagraph, the term "home school" means the school to which a student would be assigned if the student were not assigned to a hospital- or homebound program.

5. For schools comprised of high school grades 9, 10, 11, and 12, or grades 10, 11, and 12, the data listed in subparagraphs 1.-3. and the following data as the Department of Education determines such data are valid and available:

a. The high school graduation rate of the school as calculated by the department;

b. The participation rate of all eligible students enrolled in the school and enrolled in College Board Advanced Placement courses; International Baccalaureate courses; dual enrollment courses; Advanced International

Certificate of Education courses; and courses or sequences of courses leading to national industry certification identified in the Industry Certification Funding List, pursuant to rules adopted by the State Board of Education;

c. The aggregate scores of all eligible students enrolled in the school in College Board Advanced Placement courses, International Baccalaureate courses, and Advanced International Certificate of Education courses;

d. Earning of college credit by all eligible students enrolled in the school in dual enrollment programs under s. 1007.271;

e. Earning of a national industry certification identified in the Industry Certification Funding List, pursuant to rules adopted by the State Board of Education;

f. The aggregate scores of all eligible students enrolled in the school in reading, mathematics, and other subjects as measured by the SAT, the ACT, the Postsecondary Education Readiness Test, and the common placement test for postsecondary readiness;

g. The high school graduation rate of all eligible at-risk students enrolled in the school who scored ~~at~~ Level 2 or lower on grade 8 FCAT Reading and FCAT Mathematics;

h. The performance of the school's students on statewide, standardized end-of-course assessments administered under s. 1008.22(3)(b)4. and 5. ~~1008.22(3)(c)2.e. and d.~~; and

i. The growth or decline in the data components listed in sub-subparagraphs a.-h. from year to year.

The State Board of Education shall adopt appropriate criteria for each school grade. The criteria must also give added weight to student achievement in reading. Schools earning a grade of "C," making satisfactory progress, shall be required to demonstrate that adequate progress has been made by students in the school who are in the lowest 25th percentile in reading and mathematics on statewide, standardized the FCAT and end-of-course assessments under s. 1008.22 as described in s. 1008.22(3)(c)2.a., unless these students are exhibiting satisfactory performance. For schools comprised of high school grades 9, 10, 11, and 12, or grades 10, 11, and 12, the criteria for school grades must also give added weight to the graduation rate of all eligible at-risk students. In order for a high school to earn a grade of "A," the school must demonstrate that its at-risk students, as defined in this paragraph, are making adequate progress.

Section 37. Section 1008.44, Florida Statutes, is created to read:

1008.44 Industry certifications; Industry Certification Funding List and Postsecondary Industry Certification Funding List.—

(1) Pursuant to s. 1003.492, the Department of Education shall, at least annually, identify, under rules adopted by the State Board of Education, the Industry Certification Funding List that must be applied in the distribution of funding to school districts pursuant to s. 1011.62. The commissioner may at any time recommend adding certifications.

(2) The State Board of Education shall approve, at least annually, the Postsecondary Industry Certification Funding List pursuant to this section. The commissioner shall recommend, at least annually, the Postsecondary Industry Certification Funding List to the State Board of Education and may at any time recommend adding certifications. The Chancellor of the State University System, the Chancellor of the Florida College System, and the Chancellor of Career and Adult Education shall work with local workforce boards, other postsecondary institutions, businesses, and industry to identify, create, and recommend to the commissioner industry certifications to be placed on the funding list. The list shall be used to determine annual performance funding distributions to school districts or Florida College System institutions as specified in ss. 1011.80 and 1011.81, respectively. The chancellors shall review results of the economic security report of employment and earning outcomes produced annually pursuant to s. 445.007 when determining recommended certifications for the list, as well as other reports and indicators available regarding certification needs.

(3) In the case of rigorous industry certifications that have embedded prerequisite minimum age, grade level, diploma or degree, postgraduation period of work experience of at least 12 months, or other reasonable requirements that may limit the extent to which a student can complete all requirements of the certification recognized by industry for employment purposes, the commissioner shall differentiate content, instructional, and

assessment requirements that, when provided by a public institution and satisfactorily attained by a student, indicate accomplishment of requirements necessary for funding pursuant to ss. 1011.62, 1011.80, and 1011.81, notwithstanding attainment of prerequisite requirements necessary for recognition by industry for employment purposes. The differentiated requirements established by the commissioner shall be included in the Industry Certification Funding List at the time the certification is adopted.

Section 38. Paragraph (c) of subsection (1) of section 1011.61, Florida Statutes, is amended to read:

1011.61 Definitions.—Notwithstanding the provisions of s. 1000.21, the following terms are defined as follows for the purposes of the Florida Education Finance Program:

(1) A "full-time equivalent student" in each program of the district is defined in terms of full-time students and part-time students as follows:

(c)1. A "full-time equivalent student" is:

a. A full-time student in any one of the programs listed in s. 1011.62(1)(c); or

b. A combination of full-time or part-time students in any one of the programs listed in s. 1011.62(1)(c) which is the equivalent of one full-time student based on the following calculations:

(I) A full-time student in a combination of programs listed in s. 1011.62(1)(c) shall be a fraction of a full-time equivalent membership in each program equal to the number of net hours per school year for which he or she is a member, divided by the appropriate number of hours set forth in subparagraph (a)1. or subparagraph (a)2. The sum of the fractions for each program may not exceed the maximum value set forth in subsection (4).

(II) A prekindergarten student with a disability shall meet the requirements specified for kindergarten students.

(III) A full-time equivalent student for students in kindergarten through grade 12 in a full-time virtual instruction program under s. 1002.45 or a virtual charter school under s. 1002.33 shall consist of six full-credit completions or the prescribed level of content that counts toward promotion to the next grade in programs listed in s. 1011.62(1)(c). Credit completions may be a combination of full-credit courses or half-credit courses. Beginning in the 2016-2017 ~~2014-2015~~ fiscal year, ~~when s. 1008.22(3)(g) is implemented~~, the reported full-time equivalent students and associated funding of students enrolled in courses requiring passage of an end-of-course assessment under s. 1003.4282 to earn a standard high school diploma shall be adjusted if after the student does not pass completes the end-of-course assessment. However, no adjustment shall be made for a student who enrolls in a segmented remedial course delivered online.

(IV) A full-time equivalent student for students in kindergarten through grade 12 in a part-time virtual instruction program under s. 1002.45 shall consist of six full-credit completions in programs listed in s. 1011.62(1)(c)1. and 3. Credit completions may be a combination of full-credit courses or half-credit courses. Beginning in the 2016-2017 ~~2014-2015~~ fiscal year, ~~when s. 1008.22(3)(g) is implemented~~, the reported full-time equivalent students and associated funding of students enrolled in courses requiring passage of an end-of-course assessment under s. 1003.4282 to earn a standard high school diploma shall be adjusted if after the student does not pass completes the end-of-course assessment. However, no adjustment shall be made for a student who enrolls in a segmented remedial course delivered online.

(V) A Florida Virtual School full-time equivalent student shall consist of six full-credit completions or the prescribed level of content that counts toward promotion to the next grade in the programs listed in s. 1011.62(1)(c)1. and 3. for students participating in kindergarten through grade 12 part-time virtual instruction and the programs listed in s. 1011.62(1)(c) for students participating in kindergarten through grade 12 full-time virtual instruction. Credit completions may be a combination of full-credit courses or half-credit courses. Beginning in the 2016-2017 ~~2014-2015~~ fiscal year, ~~when s. 1008.22(3)(g) is implemented~~, the reported full-time equivalent students and associated funding of students enrolled in courses requiring passage of an end-of-course assessment under s. 1003.4282 to earn a standard high school diploma shall be adjusted if after the student does not pass completes the end-of-course assessment. However, no adjustment shall be made for a student who enrolls in a segmented remedial course delivered online.

(VI) Each successfully completed full-credit course earned through an online course delivered by a district other than the one in which the student resides shall be calculated as 1/6 FTE.

~~(VII) Each successfully completed credit earned under the alternative high school course credit requirements authorized in s. 1002.375, which is not reported as a portion of the 900 net hours of instruction pursuant to subparagraph (1)(a)1., shall be calculated as 1/6 FTE.~~

~~(VII)(VIII)(A)~~ A full-time equivalent student for courses requiring passage of a statewide, standardized end-of-course assessment under s. 1003.4282 to earn a standard high school diploma pursuant to s. 1008.22(3)(c)2.a. shall be defined and reported based on the number of instructional hours as provided in this subsection until the 2016-2017 ~~2016-2017~~ fiscal year ~~for the first 3 years of administering the end-of-course assessment.~~ Beginning in the 2016-2017 ~~2016-2017~~ fiscal year ~~fourth year of administering the end-of-course assessment,~~ the FTE for the course shall be assessment-based ~~credit-based~~ and each course shall be equal to 1/6 FTE. The reported FTE shall be adjusted ~~if after~~ the student ~~does not pass successfully completes~~ the end-of-course assessment ~~pursuant to s. 1008.22(3)(c)2.a.~~ However, no adjustment shall be made for a student who enrolls in a segmented remedial course delivered online.

~~(A)(B)~~ For students enrolled in a school district as a full-time student, the district may report 1/6 FTE for each student who passes a statewide, standardized end-of-course assessment without being enrolled in the corresponding course.

~~(B)(C)~~ The FTE earned under this sub-sub-subparagraph and any FTE for courses or programs listed in s. 1011.62(1)(c) that do not require passing a statewide, standardized end-of-course assessment are subject to the requirements in subsection (4).

2. A student in membership in a program scheduled for more or less than 180 school days or the equivalent on an hourly basis as specified by rules of the State Board of Education is a fraction of a full-time equivalent membership equal to the number of instructional hours in membership divided by the appropriate number of hours set forth in subparagraph (a)1.; however, for the purposes of this subparagraph, membership in programs scheduled for more than 180 days is limited to students enrolled in juvenile justice education programs and the Florida Virtual School.

The department shall determine and implement an equitable method of equivalent funding for experimental schools and for schools operating under emergency conditions, which schools have been approved by the department to operate for less than the minimum school day.

Section 39. Present paragraphs (s) and (t) of subsection (1) of section 1011.62, Florida Statutes, are redesignated as paragraphs (t) and (u), respectively, a new paragraph (s) is added to that subsection, and paragraphs (c), (l), (n), and (o), and present paragraph (t) of that subsection are amended, to read:

1011.62 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for operation:

(c) Determination of programs.—Cost factors based on desired relative cost differences between the following programs shall be established in the annual General Appropriations Act. The cost factor for secondary career education programs and basic programs grade 9 through 12 shall be equal. The Commissioner of Education shall specify a matrix of services and intensity levels to be used by districts in the determination of the two weighted cost factors for exceptional students with the highest levels of need. For these students, the funding support level shall fund the exceptional students' education program, with the exception of extended school year services for students with disabilities.

1. Basic programs.—

a. Kindergarten and grades 1, 2, and 3.

b. Grades 4, 5, 6, 7, and 8.

c. Grades 9, 10, 11, and 12.

2. Programs for exceptional students.—

- a. Support Level IV.
- b. Support Level V.
3. Secondary career education programs.—
4. English for Speakers of Other Languages.—

(l) Calculation of additional full-time equivalent membership based on International Baccalaureate examination scores of students.—A value of 0.16 full-time equivalent student membership shall be calculated for each student enrolled in an International Baccalaureate course who receives a score of 4 or higher on a subject examination. A value of 0.3 full-time equivalent student membership shall be calculated for each student who receives an International Baccalaureate diploma. Such value shall be added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year. Each school district shall allocate 80 percent of the funds received from International Baccalaureate bonus FTE funding to the school program whose students generate the funds and to school programs that prepare prospective students to enroll in International Baccalaureate courses. Funds shall be expended solely for the payment of allowable costs associated with the International Baccalaureate program. Allowable costs include International Baccalaureate annual school fees; International Baccalaureate examination fees; salary, benefits, and bonuses for teachers and program coordinators for the International Baccalaureate program and teachers and coordinators who prepare prospective students for the International Baccalaureate program; supplemental books; instructional supplies; instructional equipment or instructional materials for International Baccalaureate courses; other activities that identify prospective International Baccalaureate students or prepare prospective students to enroll in International Baccalaureate courses; and training or professional development for International Baccalaureate teachers. School districts shall allocate the remaining 20 percent of the funds received from International Baccalaureate bonus FTE funding for programs that assist academically disadvantaged students to prepare for more rigorous courses. The school district shall distribute to each classroom teacher who provided International Baccalaureate instruction:

1. A bonus in the amount of \$50 for each student taught by the International Baccalaureate teacher in each International Baccalaureate course who receives a score of 4 or higher on the International Baccalaureate examination.
2. An additional bonus of \$500 to each International Baccalaureate teacher in a school designated with a grade of "D" or "F" who has at least one student scoring 4 or higher on the International Baccalaureate examination, regardless of the number of classes taught or of the number of students scoring a 4 or higher on the International Baccalaureate examination.

Bonuses awarded to a teacher according to this paragraph ~~may~~ shall not exceed \$2,000 in any given school year. However, the maximum bonus shall be \$3,000 if at least 50 percent of the students enrolled in a teacher's course earn a score of 4 or higher on the examination in a school designated with a grade of "A", "B", or "C"; or if at least 25 percent of the students enrolled in a teacher's course earn a score of 4 or higher on the examination in a school designated with a grade of "D" or "F". Bonuses awarded under this paragraph ~~and~~ shall be in addition to any regular wage or other bonus the teacher received or is scheduled to receive. For such courses, the teacher shall earn an additional bonus of \$50 for each student who has a qualifying score up to the maximum of \$3,000 in any given school year.

(n) Calculation of additional full-time equivalent membership based on college board advanced placement scores of students.—A value of 0.16 full-time equivalent student membership shall be calculated for each student in each advanced placement course who receives a score of 3 or higher on the College Board Advanced Placement Examination for the prior year and added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year. Each district must allocate at least 80 percent of the funds provided to the district for advanced placement instruction, in accordance with this paragraph, to the high school that generates the funds. The school district shall distribute to each classroom teacher who provided advanced placement instruction:

1. A bonus in the amount of \$50 for each student taught by the Advanced Placement teacher in each advanced placement course who receives a score of 3 or higher on the College Board Advanced Placement Examination.

2. An additional bonus of \$500 to each Advanced Placement teacher in a school designated with a grade of "D" or "F" who has at least one student scoring 3 or higher on the College Board Advanced Placement Examination, regardless of the number of classes taught or of the number of students scoring a 3 or higher on the College Board Advanced Placement Examination.

Bonuses awarded to a teacher according to this paragraph shall not exceed \$2,000 in any given school year. However, the maximum bonus shall be \$3,000 if at least 50 percent of the students enrolled in a teacher's course earn a score of 3 or higher on the examination in a school with a grade of "A", "B", or "C" or if at least 25 percent of the students enrolled in a teacher's course earn a score of 3 or higher on the examination in a school with a grade of "D" or "F". Bonuses awarded under this paragraph ~~and~~ shall be in addition to any regular wage or other bonus the teacher received or is scheduled to receive. For such courses, the teacher shall earn an additional bonus of \$50 for each student who has a qualifying score up to the maximum of \$3,000 in any given school year.

(o) Calculation of additional full-time equivalent membership based on ~~certification of successful completion of a career-themed course or career and professional academy program~~ pursuant to ss. 1003.491, 1003.492, and 1003.493, ~~and 1003.4935~~ and issuance of ~~the highest level of~~ industry certification identified in the Industry Certification ~~Certified~~ Funding List pursuant to rules adopted by the State Board of Education.—

1. A value of 0.1 ~~or; 0.2, or 0.3~~ full-time equivalent student membership shall be calculated for each student who completes a career-themed course as defined in s. 1003.493(1)(b) ~~or a career and professional academy program under ss. 1003.491, 1003.492, 1003.493, and 1003.4935~~ and who is issued ~~an the highest level of~~ industry certification identified annually in the Industry Certification Funding List approved under rules adopted by the State Board of Education ~~upon promotion to the 9th grade under subparagraph 2. or upon earning a high school diploma~~. The maximum full-time equivalent student membership value for any student in grades 9 through 12 is 0.3. A value of 0.2 full-time equivalent membership shall be calculated for each student who is issued an industry certification that has a statewide articulation agreement for college credit approved by the State Board of Education. For industry certifications that do not articulate for college credit, the Department of Education shall assign a the appropriate full-time equivalent value of 0.1 for each certification, 50 percent of which is based on rigor and the remaining 50 percent on employment value. The State Board of Education shall include the assigned values in the Industry Certification Funding List under rules adopted by the state board. Rigor shall be based on the number of instructional hours, including work experience hours, required to earn the certification, with a bonus for industry certifications that have a statewide articulation agreement for college credit approved by the State Board of Education. Employment value shall be based on the entry wage, growth rate in employment for each occupational category, and average annual openings for the primary occupation linked to the industry certification. Such value shall be added to the total full-time equivalent student membership in secondary career education programs for grades 9 through 12 in the subsequent year for courses that were not ~~provided funded~~ through dual enrollment. Industry certifications earned through dual enrollment must be reported and funded pursuant to ss. 1011.80 and 1011.81.

2. ~~Upon promotion to the 9th grade, a value of 0.1 full-time equivalent student membership shall be calculated for each student who completes a career-themed course or a career and professional academy program under s. 1003.4935 and who is issued the highest level of industry certification in science, technology, engineering, or mathematics identified on the Industry Certification Funding List under rules adopted by the State Board of Education.~~

- 2.3. ~~The additional full time equivalent membership authorized under this paragraph may not exceed 0.3 per student. Each district must allocate at least 80 percent of the funds provided for industry certification, in accordance with this paragraph, to the program that generated the funds. This allocation may not be used to supplant funds provided for basic operation of the program.~~

Unless a different amount is specified in the General Appropriations Act, the appropriation for this calculation is limited to ~~\$60~~ ~~\$45~~ million annually. If the appropriation is insufficient to fully fund the total calculation, the appropriation shall be prorated.

3. For industry certifications earned in the 2013-2014 school year and in subsequent years, the school district shall distribute to each classroom teacher who provided direct instruction toward the attainment of an industry certification that qualified for additional full-time equivalent membership under subparagraph 1.:

a. A bonus in the amount of \$25 for each student taught by a teacher who provided instruction in a course that led to the attainment of an industry certification on the Industry Certification Funding List with a weight of 0.1.

b. A bonus in the amount of \$50 for each student taught by a teacher who provided instruction in a course that led to the attainment of an industry certification on the Industry Certification Funding List with a weight of 0.2.

4. For the 2013-2014 fiscal year, the additional FTE membership calculation must include the additional FTE for any student who earned a certification in the 2009-2010, 2010-2011, and 2011-2012 fiscal years who was not previously funded and was enrolled in 2012-2013.

Bonuses awarded pursuant to this paragraph shall be provided to teachers who are employed by the district in the year in which the additional FTE membership calculation is included in the calculation. Bonuses shall be calculated based upon the associated weight of an industry certification on the Industry Certification Funding List for the year in which the certification is earned by the student. Any bonus awarded to a teacher under this paragraph may not exceed \$2,000 in any given school year and is in addition to any regular wage or other bonus the teacher received or is scheduled to receive.

(s) Florida Cyber Security Recognition, Florida Digital Arts Recognition, and Florida Digital Tools Certificate established pursuant to s. 1003.4203.—

1. Each school district shall certify by June 30 of each year to the Department of Education each elementary school that achieves 50 percent of student attainment of the Florida Cyber Security Recognition or the Florida Digital Arts Recognition established pursuant to s. 1003.4203. Upon verification by the department, each school that has achieved the designated student recognitions shall be awarded a Florida Digital Learning Certificate of Achievement by the Commissioner of Education.

2. Each middle school shall receive \$50 for each student who earns the Florida Digital Tools Certificate established pursuant to s. 1003.4203 with a minimum awarded per school of \$1,000 annually and a maximum award per school of \$15,000 annually. This performance payment shall be calculated in the FEFP as a full-time equivalent student.

(u)(t) Computation for funding through the Florida Education Finance Program.—The State Board of Education may adopt rules establishing programs, industry certifications, and courses for which the student may earn credit toward high school graduation.

Section 40. Paragraph (b) of subsection (1) of section 1012.22, Florida Statutes, is amended to read:

1012.22 Public school personnel; powers and duties of the district school board.—The district school board shall:

(1) Designate positions to be filled, prescribe qualifications for those positions, and provide for the appointment, compensation, promotion, suspension, and dismissal of employees as follows, subject to the requirements of this chapter:

(b) Time to act on nominations.—The district school board shall act not later than 3 weeks following the receipt of statewide, standardized FCAT scores and data under s. 1008.22, including school grades, or June 30, whichever is later, on the district school superintendent's nominations of supervisors, principals, and members of the instructional staff.

Section 41. Subsection (4) of section 1012.56, Florida Statutes, is amended to read:

1012.56 Educator certification requirements.—

(4) ALIGNMENT OF SUBJECT AREAS.—As the Sunshine State Standards are replaced by the Next Generation Sunshine State Standards under s. 1003.41, The State Board of Education shall align the subject area examinations to the Next Generation Sunshine State Standards.

Section 42. Paragraph (b) of subsection (4) of section 1012.98, Florida Statutes, is amended to read:

1012.98 School Community Professional Development Act.—

(4) The Department of Education, school districts, schools, Florida College System institutions, and state universities share the responsibilities described in this section. These responsibilities include the following:

(b) Each school district shall develop a professional development system as specified in subsection (3). The system shall be developed in consultation with teachers, teacher-educators of Florida College System institutions and state universities, business and community representatives, and local education foundations, consortia, and professional organizations. The professional development system must:

1. Be approved by the department. All substantial revisions to the system shall be submitted to the department for review for continued approval.

2. Be based on analyses of student achievement data and instructional strategies and methods that support rigorous, relevant, and challenging curricula for all students. Schools and districts, in developing and refining the professional development system, shall also review and monitor school discipline data; school environment surveys; assessments of parental satisfaction; performance appraisal data of teachers, managers, and administrative personnel; and other performance indicators to identify school and student needs that can be met by improved professional performance.

3. Provide inservice activities coupled with followup support appropriate to accomplish district-level and school-level improvement goals and standards. The inservice activities for instructional personnel shall focus on analysis of student achievement data, ongoing formal and informal assessments of student achievement, identification and use of enhanced and differentiated instructional strategies that emphasize rigor, relevance, and reading in the content areas, enhancement of subject content expertise, integrated use of classroom technology that enhances teaching and learning, classroom management, parent involvement, and school safety.

4. Include a master plan for inservice activities, pursuant to rules of the State Board of Education, for all district employees from all fund sources. The master plan shall be updated annually by September 1, must be based on input from teachers and district and school instructional leaders, and must use the latest available student achievement data and research to enhance rigor and relevance in the classroom. Each district inservice plan must be aligned to and support the school-based inservice plans and school improvement plans pursuant to s. 1001.42(18). District plans must be approved by the district school board annually in order to ensure compliance with subsection (1) and to allow for dissemination of research-based best practices to other districts. District school boards must submit verification of their approval to the Commissioner of Education no later than October 1, annually.

5. ~~Authorize~~ Require each school principal to establish and maintain an individual professional development plan for each instructional employee assigned to the school as a seamless component to the school improvement plans developed pursuant to s. 1001.42(18). ~~An~~ The individual professional development plan must:

~~a-~~ be related to specific performance data for the students to whom the teacher is assigned;

~~b-~~ define the inservice objectives and specific measurable improvements expected in student performance as a result of the inservice activity; ~~and-~~

~~c-~~ include an evaluation component that determines the effectiveness of the professional development plan.

6. Include inservice activities for school administrative personnel that address updated skills necessary for instructional leadership and effective school management pursuant to s. 1012.986.

7. Provide for systematic consultation with regional and state personnel designated to provide technical assistance and evaluation of local professional development programs.

8. Provide for delivery of professional development by distance learning and other technology-based delivery systems to reach more educators at lower costs.

9. Provide for the continuous evaluation of the quality and effectiveness of professional development programs in order to eliminate ineffective programs and strategies and to expand effective ones. Evaluations must consider the

impact of such activities on the performance of participating educators and their students' achievement and behavior.

Section 43. Any student who selected and is participating in an accelerated high school graduation option under s. 1003.429, Florida Statutes, before July 1, 2013, may continue that option, and all statutory program requirements of the accelerated high school option shall remain applicable to the student as long as the student continues participation in the option.

Section 44. The Division of Law Revision and Information is requested to prepare a reviser's bill for the 2014 Regular Session of the Legislature to change the term "Sunshine State Standards" to "Next Generation Sunshine State Standards" wherever the term appears in the Florida Statutes.

Section 45. Paragraph (b) of subsection (5) of section 1001.706, Florida Statutes, is amended to read:

1001.706 Powers and duties of the Board of Governors.—

(5) POWERS AND DUTIES RELATING TO ACCOUNTABILITY.—

(b) The Board of Governors shall develop a strategic plan specifying goals and objectives for the State University System and each constituent university, including each university's contribution to overall system goals and objectives. The strategic plan must:

1. Include performance metrics and standards common for all institutions and metrics and standards unique to institutions depending on institutional core missions, including, but not limited to, student admission requirements, retention, graduation, percentage of graduates who have attained employment, percentage of graduates enrolled in continued education, licensure passage, average wages of employed graduates, average cost per graduate, excess hours, student loan burden and default rates, faculty awards, total annual research expenditures, patents, licenses and royalties, intellectual property, startup companies, annual giving, endowments, and well-known, highly respected national rankings for institutional and program achievements.

2. Consider reports and recommendations of the Higher Education Coordinating Council pursuant to s. 1004.015 and the Articulation Coordinating Committee pursuant to s. 1007.01.

3. Include student enrollment and performance data delineated by method of instruction, including, but not limited to, traditional, online, and distance learning instruction.

4. Include criteria for designating baccalaureate degree and master's degree programs at specified universities as high-demand programs of emphasis. Fifty percent of the criteria for designation as high-demand programs of emphasis must be based on achievement of performance outcome thresholds determined by the Board of Governors, and 50 percent of the criteria must be based on achievement of performance outcome thresholds specifically linked to:

a. Job placement in employment of 36 hours or more per week and average full-time wages of graduates of the degree programs 1 year and 5 years after graduation, based in part on data provided in the economic security report of employment and earning outcomes produced annually pursuant to s. 445.07.

b. Data-driven gap analyses, conducted by the Board of Governors, of the state's job market demands and the outlook for jobs that require a baccalaureate or higher degree.

Section 46. Section 1001.7065, Florida Statutes, is created to read:

1001.7065 Preeminent state research universities program.—

(1) STATE UNIVERSITY SYSTEM SHARED GOVERNANCE COLLABORATION.—A collaborative partnership is established between the Board of Governors and the Legislature to elevate the academic and research preeminence of Florida's highest-performing state research universities in accordance with this section. The partnership stems from the State University System Governance Agreement executed on March 24, 2010, wherein the Board of Governors and leaders of the Legislature agreed to a framework for the collaborative exercise of their joint authority and shared responsibility for the State University System. The governance agreement confirmed the commitment of the Board of Governors and the Legislature to continue collaboration on accountability measures, the use of data, and recommendations derived from such data.

(2) ACADEMIC AND RESEARCH EXCELLENCE STANDARDS.—Effective July 1, 2013, the following academic and research excellence standards are established for the preeminent state research universities program:

(a) An average weighted grade point average of 4.0 or higher on a 4.0 scale and an average SAT score of 1800 or higher for fall semester incoming freshmen, as reported annually.

(b) A top-50 ranking on at least two well-known and highly respected national public university rankings, reflecting national preeminence, using most recent rankings.

(c) A freshman retention rate of 90 percent or higher for full-time, first-time-in-college students, as reported annually to the Integrated Postsecondary Education Data System (IPEDS).

(d) A 6-year graduation rate of 70 percent or higher for full-time, first-time-in-college students, as reported annually to the IPEDS.

(e) Six or more faculty members at the state university who are members of a national academy, as reported by the Center for Measuring University Performance in the Top American Research Universities (TARU) annual report.

(f) Total annual research expenditures, including federal research expenditures, of \$200 million or more, as reported annually by the National Science Foundation (NSF).

(g) Total annual research expenditures in diversified nonmedical sciences of \$150 million or more, based on data reported annually by the NSF.

(h) A top-100 university national ranking for research expenditures in five or more science, technology, engineering, or mathematics fields of study, as reported annually by the NSF.

(i) One hundred or more total patents awarded by the United States Patent and Trademark Office for the most recent 3-year period.

(j) Four hundred or more doctoral degrees awarded annually, as reported in the Board of Governors Annual Accountability Report.

(k) Two hundred or more postdoctoral appointees annually, as reported in the TARU annual report.

(l) An endowment of \$500 million or more, as reported in the Board of Governors Annual Accountability Report.

(3) PREEMINENT STATE RESEARCH UNIVERSITY DESIGNATION.—The Board of Governors shall designate each state research university that meets at least 11 of the 12 academic and research excellence standards identified in subsection (2) a preeminent state research university.

(4) PREEMINENT STATE RESEARCH UNIVERSITY INSTITUTE FOR ONLINE LEARNING.—A state research university that, as of July 1, 2013, meets all 12 of the academic and research excellence standards identified in subsection (2), as verified by the Board of Governors, shall establish an institute for online learning. The institute shall establish a robust offering of high-quality, fully online baccalaureate degree programs at an affordable cost in accordance with this subsection.

(a) By August 1, 2013, the Board of Governors shall convene an advisory board to support the development of high-quality, fully online baccalaureate degree programs at the university.

(b) The advisory board shall:

1. Offer expert advice, as requested by the university, in the development and implementation of a business plan to expand the offering of high-quality, fully online baccalaureate degree programs.

2. Advise the Board of Governors on the release of funding to the university upon approval by the Board of Governors of the plan developed by the university.

3. Monitor, evaluate, and report on the implementation of the plan to the Board of Governors, the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(c) The advisory board shall be composed of the following five members:

1. The chair of the Board of Governors or the chair's permanent designee.

2. A member with expertise in online learning, appointed by the Board of Governors.

3. A member with expertise in global marketing, appointed by the Governor.

4. A member with expertise in cloud virtualization, appointed by the President of the Senate.

5. A member with expertise in disruptive innovation, appointed by the Speaker of the House of Representatives.

(d) The president of the university shall be consulted on the advisory board member appointments.

(e) A majority of the advisory board shall constitute a quorum, elect the chair, and appoint an executive director.

(f) By September 1, 2013, the university shall submit to the advisory board a comprehensive plan to expand high-quality, fully online baccalaureate degree program offerings. The plan shall include:

1. Existing on-campus general education courses and baccalaureate degree programs that will be offered online.

2. New courses that will be developed and offered online.

3. Support services that will be offered to students enrolled in online baccalaureate degree programs.

4. A tuition and fee structure that meets the requirements in paragraph (k) for online courses, baccalaureate degree programs, and student support services.

5. A timeline for offering, marketing, and enrolling students in the online baccalaureate degree programs.

6. A budget for developing and marketing the online baccalaureate degree programs.

7. Detailed strategies for ensuring the success of students and the sustainability of the online baccalaureate degree programs.

Upon recommendation of the plan by the advisory board and approval by the Board of Governors, the Board of Governors shall award the university \$10 million in nonrecurring funds and \$5 million in recurring funds for fiscal year 2013-2014 and \$5 million annually thereafter, subject to appropriation in the General Appropriations Act.

(g) Beginning in January 2014, the university shall offer high-quality, fully online baccalaureate degree programs that:

1. Accept full-time, first-time-in-college students.

2. Have the same rigorous admissions criteria as equivalent on-campus degree programs.

3. Offer curriculum of equivalent rigor to on-campus degree programs.

4. Offer rolling enrollment or multiple opportunities for enrollment throughout the year.

5. Do not require any on-campus courses. However, for courses or programs that require clinical training or laboratories that cannot be delivered online, the university shall offer convenient locational options to the student, which may include, but are not limited to, the option to complete such requirements at a summer-in-residence on the university campus. The university may provide a network of sites at convenient locations and contract with commercial testing centers or identify other secure testing services for the purpose of proctoring assessments or testing.

6. Apply the university's existing policy for accepting credits for both freshman applicants and transfer applicants.

(h) The university may offer a fully online Masters in Business Administration degree program and other master's degree programs.

(i) The university may develop and offer degree programs and courses that are competency based as appropriate for the quality and success of the program.

(j) The university shall periodically expand its offering of online baccalaureate degree programs to meet student and market demands.

(k) The university shall establish a tuition structure for its online institute in accordance with this paragraph, notwithstanding any other provision of law.

1. For students classified as residents for tuition purposes, tuition for an online baccalaureate degree program shall be set at no more than 75 percent of the tuition rate as specified in the General Appropriations Act pursuant to s. 1009.24(4) and 75 percent of the tuition differential pursuant to s. 1009.24(16). No distance learning fee, fee for campus facilities, or fee for on-campus services may be assessed, except that online students shall pay the university's technology fee, financial aid fee, and Capital Improvement Trust Fund fee. The revenues generated from the Capital Improvement Trust Fund fee shall be dedicated to the university's institute for online learning.

2. For students classified as nonresidents for tuition purposes, tuition may be set at market rates in accordance with the business plan.

3. Tuition for an online degree program shall include all costs associated with instruction, materials, and enrollment, excluding costs associated with the

provision of textbooks pursuant to s. 1004.085 and physical laboratory supplies.

4. Subject to the limitations in subparagraph 1., tuition may be differentiated by degree program as appropriate to the instructional and other costs of the program in accordance with the business plan. Pricing must incorporate innovative approaches that incentivize persistence and completion, including, but not limited to, a fee for assessment, a bundled or all-inclusive rate, and sliding scale features.

5. The university must accept advance payment contracts and student financial aid.

6. Fifty percent of the net revenues generated from the online institute of the university shall be used to enhance and enrich the online institute offerings, and 50 percent of the net revenues generated from the online institute shall be used to enhance and enrich the university's campus state-of-the-art research programs and facilities.

7. The institute may charge additional local user fees pursuant to s. 1009.24(14) upon the approval of the Board of Governors.

8. The institute shall submit a proposal to the president of the university authorizing additional user fees for the provision of voluntary student participation in activities and additional student services.

(5) PREEMINENT STATE RESEARCH UNIVERSITY SUPPORT.—A state research university that, as of July 1, 2013, meets all 12 of the academic and research excellence standards identified in subsection (2), as verified by the Board of Governors, shall submit to the Board of Governors a 5-year benchmark plan with target rankings on key performance metrics for national excellence. Upon approval by the Board of Governors, and upon the university's meeting the benchmark plan goals annually, the Board of Governors shall award the university an amount specified in the General Appropriations Act to be provided annually throughout the 5-year period. Funding for this purpose is contingent upon specific appropriation in the General Appropriations Act.

(6) PREEMINENT STATE RESEARCH UNIVERSITY ENHANCEMENT INITIATIVE.—A state research university that, as of July 1, 2013, meets 11 of the 12 academic and research excellence standards identified in subsection (2), as verified by the Board of Governors, shall submit to the Board of Governors a 5-year benchmark plan with target rankings on key performance metrics for national excellence. Upon the university's meeting the benchmark plan goals annually, the Board of Governors shall award the university an amount specified in the General Appropriations Act to be provided annually throughout the 5-year period for the purpose of recruiting National Academy Members, expediting the provision of a master's degree in cloud virtualization, and instituting an entrepreneurs-in-residence program throughout its campus. Funding for this purpose is contingent upon specific appropriation in the General Appropriations Act.

(7) PREEMINENT STATE RESEARCH UNIVERSITY SPECIAL COURSE REQUIREMENT AUTHORITY.—In order to provide a jointly shared educational experience, a university that is designated a preeminent state research university may require its incoming first-time-in-college students to take a 9-to-12-credit set of unique courses specifically determined by the university and published on the university's website. The university may stipulate that credit for such courses may not be earned through any acceleration mechanism pursuant to s. 1007.27 or s. 1007.271 or any other transfer credit. All accelerated credits earned up to the limits specified in ss. 1007.27 and 1007.271 shall be applied toward graduation at the student's request.

(8) PREEMINENT STATE RESEARCH UNIVERSITY FLEXIBILITY AUTHORITY.—The Board of Governors is encouraged to identify and grant all reasonable, feasible authority and flexibility to ensure that a designated preeminent state research university is free from unnecessary restrictions.

(9) PROGRAMS OF EXCELLENCE THROUGHOUT THE STATE UNIVERSITY SYSTEM.—The Board of Governors is encouraged to establish standards and measures whereby individual programs in state universities that objectively reflect national excellence can be identified and make recommendations to the Legislature as to how any such programs could be enhanced and promoted.



Section 47. Subsections (3) and (24) of section 1004.02, Florida Statutes, are amended to read:

1004.02 Definitions.—As used in this chapter:

(3) "Adult general education" means comprehensive instructional programs designed to improve the employability of the state's workforce through adult basic education, adult secondary education, English for Speakers of Other Languages, applied academics for adult education ~~vocational-preparatory~~ instruction, and instruction for adults with disabilities.

(24) "Applied academics for adult education" or "applied academics ~~Vocational-preparatory~~ instruction" means adult general education through which persons attain academic and workforce readiness skills at the level of functional literacy (grade levels 6.0-8.9) or higher so that such persons may pursue technical certificate education or higher-level technical education.

Section 48. Section 1004.082, Florida Statutes, is created to read:

1004.082 Talent retention programs.—The Chancellor of the State University System shall cooperate with the Commissioner of Education to support talent retention programs that encourage middle school and high school students who indicate an interest in or aptitude for physics or mathematics to continue their education at a state university that has excellent departments in selected fields. The chancellor and the commissioner shall work with state university department chairs to enable department chairs of outstanding state university departments to send letters to students who indicate an interest in or aptitude for those subjects. At a minimum, the letter should provide an open invitation for the student to communicate with the department, at least annually, and to schedule a tour of the department and the campus.

Section 49. Section 1004.91, Florida Statutes, is amended to read:

1004.91 Requirements for career education program basic skills ~~Career-preparatory instruction.~~

(1) The State Board of Education shall adopt, by rule, standards of basic skill mastery for completion of certificate career education programs. Each school district and Florida College System institution that conducts programs that confer career and technical certificates ~~credit~~ shall provide applied academics ~~career-preparatory~~ instruction through which students receive the basic skills instruction required pursuant to this section.

(2) Students who enroll in a program offered for career credit of 450 hours or more shall complete an entry-level examination within the first 6 weeks ~~after of~~ admission into the program. The State Board of Education shall designate examinations that are currently in existence, the results of which are comparable across institutions, to assess student mastery of basic skills. Any student found to lack the required level of basic skills for such program shall be referred to applied academics ~~career-preparatory~~ instruction or another adult general basic education program for a structured program of basic skills instruction. Such instruction may include English for speakers of other languages. A student may not receive a career or technical certificate of completion without first demonstrating the basic skills required in the state curriculum frameworks for the career education program.

(3)(a) An adult student with a disability may be exempted from ~~the provisions of~~ this section.

(b) The following students are exempt from this section:

1. A student who possesses a college degree at the associate in applied science level or higher ~~is exempt from this section.~~

2. A student who demonstrates readiness for public postsecondary education pursuant to s. 1008.30 and applicable rules adopted by the State Board of Education ~~has completed or who is exempt from the college level communication and computation skills examination pursuant to s. 1008.29, or who is exempt from the college entry-level examination pursuant to s. 1008.29, is exempt from the provisions of this section.~~

3. A student who passes ~~Students who have passed~~ a state or national, or industry certification or licensure examination that is identified in State Board of Education rules and aligned to the career education program in which the student is enrolled ~~exam are exempt from this section.~~

4. An adult student who is enrolled in an apprenticeship program that is registered with the Department of Education in accordance with ~~the provisions of chapter 446 is exempt from the provisions of this section.~~

Section 50. Present subsection (8) of section 1004.93, Florida Statutes, is renumbered as subsection (9), and a new subsection (8) is added to that section, to read:

1004.93 Adult general education.—

(8) In order to accelerate the employment of adult education students, students entering adult general education programs after July 1, 2013, must complete the following action-steps-to-employment activities before the completion of the first term:

(a) Identify employment opportunities using market-driven tools.

(b) Create a personalized employment goal.

(c) Conduct a personalized skill and knowledge inventory.

(d) Compare the results of the personalized skill and knowledge inventory with the knowledge and skills needed to attain the personalized employment goal.

(e) Upgrade skills and knowledge needed through adult general education programs and additional educational pursuits based on the personalized employment goal.

The action-steps-to-employment activities may be developed through a blended approach with assistance provided to adult general education students by teachers, employment specialists, guidance counselors, business and industry representatives, and online resources. Students may be directed to online resources and provided information on financial literacy, student financial aid, industry certifications, and occupational services and a listing of job openings.

Section 51. Section 1006.735, Florida Statutes, is amended to read:

1006.735 Complete Florida Degree Program ~~Completion Pilot Project.~~

(1) The Complete Florida Degree Program ~~Completion Pilot Project~~ is established for the purpose of recruiting, recovering, and retaining the state's adult learners and assisting them in completing an associate degree or a baccalaureate degree that is aligned to high-wage, high-skill workforce needs. As used in this section, the term "adult learner" means a student who has successfully completed college-level coursework in multiple semesters but has left an institution in good standing before completing his or her degree. The program ~~pilot project~~ shall give priority to adult learners who are veterans or active duty members of the United States Armed Forces.

(2) The Complete Florida Degree Program ~~pilot project~~ shall be implemented by the University of West Florida, acting as the lead institution, in coordination with Florida College System institutions, state universities, and private postsecondary institutions, as appropriate. The program; the University of South Florida; Florida State College at Jacksonville; and St. Petersburg College ~~and~~ shall include the associate, applied baccalaureate, and baccalaureate degree programs that these institutions have selected. Other partnering public postsecondary education institutions shall provide areas of specialization or concentration.

(3) For purposes of selecting the degree programs that will be given priority in the Complete Florida Degree Program ~~pilot project~~, the institutions identified in subsection (2) shall partner with public and private job recruitment and placement agencies and use labor market data and projections, including those identified in the Board of Governors' gap analysis, to identify the specific workforce needs and targeted occupations of the state.

(4) The Complete Florida Degree Program ~~pilot project~~ shall provide adult learners with a single point of access to information and links to innovative online and accelerated distance learning courses, student and library support services, and electronic resources that will guide the adult learner toward the successful completion of a postsecondary degree.

(5) By the end of ~~Beginning with the 2013-2014 2012-2013~~ academic year, the Complete Florida Degree Program ~~pilot project~~ shall be implemented and must:

(a) Use the distance learning course catalog established pursuant to s. 1006.73 to communicate course availability to the adult learner.

(b) Develop and implement an advising and student support system that includes the use of degree completion specialists, is based upon best practices and processes, and includes academic and career support services designed specifically for the adult learner. The program must identify proposed changes to the statewide computer-assisted student advising system

established pursuant to s. 1006.73 to assist the adult learner in using the system.

(c) Use the streamlined, automated, online admissions application process for transient students established pursuant to s. 1006.73. ~~The program pilot project~~ shall identify any additional admissions and registration policies and practices that could be further streamlined and automated for purposes of assisting the adult learner.

(d) Use existing and, if necessary, develop new competency-based instructional and evaluation tools to assess prior performance, experience, and education for the award of college credit in order to reduce the time required for adult learners to complete their degrees. The tools may include the use of the American Council on Education's collaborative link between the United States Department of Defense and higher education through the review of military training and experiences for the award of equivalent college credit for members of the United States Armed Forces.

(e) Develop and implement an evaluation process that collects, analyzes, and provides to the chancellors of the Florida College System and the State University System, the participating postsecondary education institutions, the chairs of the legislative appropriations committees, and the Executive Office of the Governor information on the effectiveness of the program pilot project and the attainment of its goals. Such a process shall include a management information system that collects the appropriate student, programmatic, and fiscal data necessary to complete the evaluation of the program pilot project. Institutions involved in the program pilot project shall also collect job placement and employment data on the adult learners who have completed their degrees as a result of the program pilot project.

(f) Develop and implement a statewide student recruitment marketing campaign targeted toward ~~recruiting~~ adult learners, particularly veterans and active duty members of the United States Armed Forces, for enrollment in the degree programs offered through the program pilot project.

(6) For purposes of the Complete Florida Degree Program pilot project, each institution's current tuition and fee structure shall be used. However, all participating institutions shall collaboratively identify the applicable cost components involved in the development and delivery of distance learning courses, collect information on these cost components, and submit the information to the ~~Florida Virtual Campus~~. The chancellors of the Florida College System and the State University System. The chancellors shall submit a report to the chairs of the legislative appropriations committees no later than December 31, ~~2014~~ 2013, on the need for a differentiated tuition and fee structure for the development and delivery of distance learning courses.

(7) The University of West Florida, in collaboration with its partners the University of South Florida, Florida State College at Jacksonville, and St. Petersburg College, shall submit to the chairs of the Board of Governors, the State Board of Education, and the legislative appropriations committees no later than ~~September 1, 2013~~ June 1, 2012, a detailed program project plan that defines the major work activities, student eligibility criteria, timeline, and cost for implementing the Complete Florida Degree Program pilot project.

~~(8) The University of West Florida, in collaboration with the University of South Florida, Florida State College at Jacksonville, and St. Petersburg College, shall develop and implement a transition plan that transfers the administration of the pilot project to the Florida Virtual Campus no later than June 30, 2013.~~

Section 52. Subsection (1) of section 1007.263, Florida Statutes, is amended to read:

1007.263 Florida College System institutions; admissions of students.—Each Florida College System institution board of trustees is authorized to adopt rules governing admissions of students subject to this section and rules of the State Board of Education. These rules shall include the following:

(1) Admissions counseling shall be provided to all students entering college or career credit programs. Counseling shall utilize tests to measure achievement of college-level communication and computation competencies by all students entering college credit programs or tests to measure achievement of basic skills for career education programs as prescribed in s. 1004.91.

Each board of trustees shall establish policies that notify students about, and place students into, adult basic education, adult secondary education, or other instructional programs that provide students with alternatives to traditional college-preparatory instruction, including private provider instruction. A student is prohibited from enrolling in additional college-level courses until the student scores above the cut-score on all sections of the common placement test.

Section 53. Subsection (2) of section 1008.37, Florida Statutes, is amended to read:

1008.37 Postsecondary feedback of information to high schools.—

(2) The Commissioner of Education shall report, by high school, to the State Board of Education, the Board of Governors, and the Legislature, no later than November 30 of each year, on the number of prior year Florida high school graduates who enrolled for the first time in public postsecondary education in this state during the previous summer, fall, or spring term, indicating the number of students whose scores on the common placement test indicated the need for remediation through college-preparatory or applied academics for adult education ~~vocational-preparatory~~ instruction pursuant to s. 1004.91 or s. 1008.30.

Section 54. Subsection (3) of section 1009.22, Florida Statutes, is amended to read:

1009.22 Workforce education postsecondary student fees.—

(3)(a) Except as otherwise provided by law, fees for students who are nonresidents for tuition purposes must offset the full cost of instruction. Residency of students shall be determined as required in s. 1009.21. Fee-nonexempt students enrolled in applied academics for adult education ~~vocational-preparatory~~ instruction shall be charged fees equal to the fees charged for adult general education programs. Each Florida College System institution that conducts college-preparatory and applied academics for adult education ~~vocational-preparatory~~ instruction in the same class section may charge a single fee for both types of instruction.

Section 55. Paragraphs (c) and (d) of subsection (1) of section 1009.25, Florida Statutes, is amended to read:

1009.25 Fee exemptions.—

(1) The following students are exempt from the payment of tuition and fees, including lab fees, at a school district that provides workforce education programs, Florida College System institution, or state university:

(c) A student who is or was at the time he or she reached 18 years of age in the custody of the Department of Children and Family Services or who, after spending at least 6 months in the custody of the department after reaching 16 years of age, was placed in a guardianship by the court. Such exemption includes fees associated with enrollment in applied academics for adult education ~~career-preparatory~~ instruction. The exemption remains valid until the student reaches 28 years of age.

(d) A student who is or was at the time he or she reached 18 years of age in the custody of a relative under s. 39.5085 or who was adopted from the Department of Children and Family Services after May 5, 1997. Such exemption includes fees associated with enrollment in applied academics for adult education ~~career-preparatory~~ instruction. The exemption remains valid until the student reaches 28 years of age.

Section 56. Subsection (11) is added to section 1009.26, Florida Statutes, to read:

1009.26 Fee waivers.—

(11) A Florida College System institution may waive any portion of the tuition, the activity and service fee, the financial aid fee, the technology fee, the capital improvement fee, and distance learning fee for the purpose of offering a baccalaureate degree for state residents for which the cost of tuition and the fees specified in this subsection does not exceed \$10,000 for the entire degree program. Waivers provided pursuant to this subsection shall be applicable for upper-level courses not to exceed 100 percent of the number of required credit hours of the baccalaureate degree program for which the student is determined eligible.

Section 57. Paragraph (b) of subsection (1) and subsection (7) of section 1009.531, Florida Statutes, is amended to read:

1009.531 Florida Bright Futures Scholarship Program; student eligibility requirements for initial awards.—

(1) Effective January 1, 2008, in order to be eligible for an initial award from any of the three types of scholarships under the Florida Bright Futures Scholarship Program, a student must:

(b) Earn a standard Florida high school diploma or its equivalent pursuant to s. 1003.428, s. 1003.4281, s. 1003.4282, s. 1003.429, s. 1003.43, or s. 1003.435 unless:

1. The student completes a home education program according to s. 1002.41; or

2. The student earns a high school diploma from a non-Florida school while living with a parent or guardian who is on military or public service assignment away from Florida.

~~(7) To be eligible for an initial award and each renewal award under the Florida Bright Futures Scholarship Program, a student must submit a Free Application for Federal Student Aid which is complete and error free prior to disbursement.~~

Section 58. Subsections (4), (6), and (10) of section 1011.80, Florida Statutes, are amended to read:

1011.80 Funds for operation of workforce education programs.—

(4) Funding for all workforce education programs must be based on cost categories, performance output measures, and performance outcome measures.

(a) The cost categories must be calculated to identify high-cost programs, medium-cost programs, and low-cost programs. The cost analysis used to calculate and assign a program of study to a cost category must include at least both direct and indirect instructional costs, consumable supplies, equipment, and standard program length.

~~(b)1. The performance output measure for career education programs of study is student completion of a career program of study that leads to an occupational completion point associated with a certificate, an apprenticeship program, or a program that leads to an applied technology diploma or an associate in applied science or associate in science degree. Performance output measures for registered apprenticeship programs shall be based on program lengths that coincide with lengths established pursuant to the requirements of chapter 446.~~

~~(b)2. The performance output measure for an adult general education course of study is measurable improvement in student skills. This measure shall include improvement in literacy skills, grade level improvement as measured by an approved test, or attainment of a State of Florida diploma or an adult high school diploma.~~

(c) The performance outcome measures for adult general workforce education programs are associated with placement and retention of students after reaching a completion point or completing a program of study. These measures include placement or retention in employment ~~that is related to the program of study; placement into or retention in employment in an occupation on the Workforce Estimating Conference list of high wage, high skill occupations with sufficient openings, or other High Wage/High Skill Program occupations as determined by Workforce Florida, Inc.; and placement and retention of participants or former participants in the welfare transition program in employment.~~ Continuing postsecondary education at a level that will further enhance employment is a performance outcome for adult general education programs. ~~Placement and retention must be reported pursuant to ss. 1008.39 and 1008.43.~~

(6)(a) A school district or a Florida College System institution that provides workforce education programs shall receive funds in accordance with distributions for base and performance funding established by the Legislature in the General Appropriations Act. To ensure equitable funding for all school district workforce education programs and to recognize enrollment growth, the Department of Education shall use the funding model developed by the District Workforce Education Funding Steering Committee to determine each district's workforce education funding needs. To assist the Legislature in allocating workforce education funds in the General Appropriations Act, the funding model shall annually be provided to the legislative appropriations committees no later than March 1.

(b) Performance funding for industry certifications for school district workforce education programs is contingent upon specific appropriation in the General Appropriations Act and shall be determined as follows:

1. Occupational areas for which industry certifications may be earned, as established in the General Appropriations Act, are eligible for performance funding. Priority shall be given to the occupational areas emphasized in state, national, or corporate grants provided to Florida educational institutions.

2. The Chancellor of Career and Adult Education shall identify the industry certifications eligible for funding on the Postsecondary Industry Certification Funding List approved by the State Board of Education pursuant to s. 1008.44, based on the occupational areas specified in the General Appropriations Act.

3. Each school district shall be provided \$1,000 for each industry certification earned by a workforce education student. The maximum amount of funding appropriated for performance funding pursuant to this paragraph shall be limited to \$15 million annually. If funds are insufficient to fully fund the calculated total award, such funds shall be prorated.

~~(c)(b)~~ A program is established to assist school districts and Florida College System institutions in responding to the needs of new and expanding businesses and thereby strengthening the state's workforce and economy. The program may be funded in the General Appropriations Act. The district or Florida College System institution shall use the program to provide customized training for businesses which satisfies the requirements of s. 288.047. Business firms whose employees receive the customized training must provide 50 percent of the cost of the training. Balances remaining in the program at the end of the fiscal year shall not revert to the general fund, but shall be carried over for 1 additional year and used for the purpose of serving incumbent worker training needs of area businesses with fewer than 100 employees. Priority shall be given to businesses that must increase or upgrade their use of technology to remain competitive.

(10) A high school student dually enrolled under s. 1007.271 in a workforce education program operated by a Florida College System institution or school district career center generates the amount calculated for workforce education funding, including any payment of performance funding, and the proportional share of full-time equivalent enrollment generated through the Florida Education Finance Program for the student's enrollment in a high school. If a high school student is dually enrolled in a Florida College System institution program, including a program conducted at a high school, the Florida College System institution earns the funds generated for workforce education funding, and the school district earns the proportional share of full-time equivalent funding from the Florida Education Finance Program. If a student is dually enrolled in a career center operated by the same district as the district in which the student attends high school, that district earns the funds generated for workforce education funding and also earns the proportional share of full-time equivalent funding from the Florida Education Finance Program. If a student is dually enrolled in a workforce education program provided by a career center operated by a different school district, the funds must be divided between the two school districts proportionally from the two funding sources. A student may not be reported for funding in a dual enrollment workforce education program unless the student has completed the basic skills assessment pursuant to s. 1004.91. A student who is coenrolled in a K-12 education program and an adult education program may ~~not~~ be reported for purposes of funding in an adult education program. ~~If a student is, except that for the 2011-2012 and 2012-2013 fiscal years, students who are~~ coenrolled in core curricula courses for credit recovery or dropout prevention purposes and ~~does~~ do not have a pattern of excessive absenteeism or habitual truancy or a history of disruptive behavior in school, ~~the student~~ students may be reported for funding for up to two courses per ~~year student~~ student. Such ~~a student is~~ students are exempt from the payment of the block tuition for adult general education programs provided in s. 1009.22(3)(d) ~~1009.22(3)(e)~~. The Department of Education shall develop a list of courses to be designated as core curricula courses for the purposes of coenrollment.

Section 59. Subsections (2) and (3) of section 1011.81, Florida Statutes, are renumbered as subsections (4) and (5), respectively, and a new subsection (2) is added to that section, to read:

1011.81 Florida College System Program Fund.—

(2) Performance funding for industry certifications for Florida College System institutions is contingent upon specific appropriation in the General Appropriations Act and shall be determined as follows:

(a) Occupational areas for which industry certifications may be earned, as established in the General Appropriations Act, are eligible for performance funding. Priority shall be given to the occupational areas emphasized in state, national, or corporate grants provided to Florida educational institutions.

(b) The Chancellor of the Florida College System shall identify the industry certifications eligible for funding on the Postsecondary Industry Certification Funding List approved by the State Board of Education pursuant to s. 1008.44, based on the occupational areas specified in the General Appropriations Act.

(c) Each Florida College System institution shall be provided \$1,000 for each industry certification earned by a student. The maximum amount of funding appropriated for performance funding pursuant to this subsection shall be limited to \$15 million annually. If funds are insufficient to fully fund the calculated total award, such funds shall be prorated.

Section 60. Subsection (1) and paragraph (a) of subsection (3) are amended and a new subsection (4) of section 1011.905, Florida Statutes, is created to read:

1011.905 Performance funding for state universities.—

(1) State performance funds for the State University System shall be based on indicators of system and institutional attainment of performance expectations. For the 2012-2013 through at least the 2016-2017 and 2013-2014 fiscal years, the Board of Governors shall review and rank each state university that applies for performance funding, as provided in the General Appropriations Act, based on the following formula:

(a) Twenty-five percent of a state university's score shall be based on the percentage of employed graduates who have earned degrees which have a primary focus in the following programs:

1. For the 2012-2013 and 2013-2014 fiscal years:

- a.1. Computer and information science;
- b.2. Computer engineering;
- c.3. Information systems technology;
- d.4. Information technology; and
- e.5. Management information systems.

The 2012-2013 award recipients shall receive the same award for 2013-2014.

2. For the 2013-2014 and 2014-2015 fiscal years, high-demand programs of emphasis determined by the Board of Governors using the gap-analysis data required by s. 1001.706(5).

3. For the 2013-2014 and 2014-2015 fiscal years, a master's degree in cloud virtualization technology and related large data management.

(b) Twenty-five percent of a state university's score shall be based on the percentage of graduates who have earned baccalaureate degrees in the programs in paragraph (a) and who have earned industry certifications identified on the Postsecondary Industry Certification Funding List approved by the State Board of Education pursuant to s. 1008.44 in a related field from a Florida College System institution or state university prior to graduation.

(c) Fifty percent of a state university's score shall be based on factors determined by the Board of Governors which relate to increasing the probability that graduates who have earned degrees in the programs described in paragraph (a) will be employed in high-skill, high-wage, and high-demand employment.

(3)(a) Each year, the Board of Governors shall award up to \$15 million to the highest-ranked state universities in support of each program identified in paragraph (1)(a) from funds appropriated for the purposes in this section and as specified in the General Appropriations Act. The award per state university shall be a minimum of 25 percent of the total amount appropriated pursuant to this section.

Section 61. By October 31, 2013, the State Board of Education shall recommend to the Legislature a methodology for allocating performance funding for Florida College System institutions, and the Board of Governors shall recommend to the Legislature a methodology for allocating performance funding for State University System institutions, based on the percentage of graduates employed or enrolled in further education, the average wages of employed graduates, and the average cost per graduate.

Section 62. This act shall take effect July 1, 2013.

## TITLE AMENDMENT

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to K-20 education; amending s. 1000.03, F.S.; providing for comprehensive K-20 career and education planning; amending s. 1000.21, F.S.; providing that Next Generation Sunshine State Standards include specified common core standards; amending s. 1001.42, F.S.; authorizing a district school board to appoint a governing board for a school district technical center; providing governing board membership and responsibilities; amending s. 1002.3105, F.S.; providing additional academically challenging curriculum options; amending s. 1002.33, F.S.; conforming provisions; amending s. 1002.37, F.S.; revising funding for the Florida Virtual School based on student completion of end-of-course assessments; repealing s. 1002.375, F.S., relating to an alternative credit for high school courses pilot project; amending s. 1002.45, F.S.; revising funding for virtual instruction programs based on student completion of end-of-course assessments; amending s. 1003.02, F.S.; conforming provisions; amending s. 1003.03, F.S.; revising implementation options to meet class size requirements; amending s. 1003.41, F.S.; revising requirements for the Next Generation Sunshine State Standards; repealing s. 1003.413, F.S., relating to the Florida Secondary School Redesign Act; amending s. 1003.4156, F.S.; revising middle grades promotion requirements; conforming provisions relating to the statewide, standardized assessment program; revising career and education planning course content; revising remediation strategies; amending s. 1003.4203, F.S.; requiring the availability of digital materials in prekindergarten through grade 12; providing for digital recognition and certificate programs; amending s. 1003.428, F.S.; including financial literacy within the economics course required for high school graduation; conforming provisions; amending s. 1003.4281, F.S.; conforming provisions; creating s. 1003.4282, F.S.; providing requirements for a standard high school diploma; establishing a 24-credit requirement; providing for a standard college and career high school diploma and course and assessment requirements; providing requirements relating to online courses, remediation, grade forgiveness, award of a standard high school diploma, transfer of high school credits, and career education courses that earn high school credits; requiring the State Board of Education to adopt rules; amending s. 1003.4285, F.S.; revising standard high school diploma designations; providing for a scholar designation, an industry designation, or a waiver designation on the diploma; creating s. 1003.4286, F.S.; providing for the award of a standard high school diploma to honorably discharged veterans pursuant to rule; repealing s. 1003.429, F.S., relating to accelerated high school graduation options; amending s. 1003.4295, F.S.; conforming provisions; repealing s. 1003.43, F.S., relating to general requirements for high school graduation; amending s. 1003.433, F.S.; conforming provisions; amending s. 1003.435, F.S.; deleting a rulemaking requirement relating to high school equivalency diplomas; amending s. 1003.436, F.S.; providing a reference to the Credit Acceleration Program for purposes of defining the term "credit"; amending ss. 1003.438, 1003.491, 1003.4935, 1003.51, 1003.621, and 1004.935, F.S.; conforming provisions; amending s. 1007.271, F.S.; authorizing career dual enrollment students to earn industry certifications for credit toward high school graduation; amending s. 1008.22, F.S.; substantially rewording the student assessment program for public schools; providing requirements for a statewide, standardized assessment program aligned to core curricular content in the Next Generation Sunshine State Standards; providing requirements for end-of-course assessments; providing requirements for instruction for students with disabilities; providing for transition to common core assessments in English Language Arts and mathematics; providing requirements for assessment scores, achievement levels, assessment schedules, and reporting of assessment results; providing prohibited and authorized assessment-preparation activities; authorizing contracts for assessments; requiring analysis of data, administration of local assessments, and identification of concordant and comparative scores; requiring annual reporting of student performance data; requiring the state board to adopt rules; amending s. 1008.25, F.S.; providing for instructional sequencing of courses, including industry certifications; conforming provisions relating to student assessment, remediation, retention, and progression; deleting unfunded and inactive programs and reporting requirements; revising school

district reporting requirements; amending ss. 1008.30 and 1008.34, F.S.; conforming provisions; creating s. 1008.44, F.S.; providing requirements for industry certifications, an industry certification funding list, and a postsecondary industry certification funding list for distribution of funding to school districts and Florida College System institutions; amending s. 1011.61, F.S.; revising provisions relating to funding for students in virtual instruction programs, the Florida Virtual School, and regular instructional programs based on student completion of end-of-course assessments; amending s. 1011.62, F.S.; revising provisions relating to bonuses awarded to teachers providing advanced placement instruction; revising the calculation of additional full-time equivalent membership based on completion of career-themed courses and issuance of industry certification; providing for teacher bonuses related to industry certification instruction; providing for certain recognitions and performance payments to schools in which students earn digital competency certificates; amending ss. 1012.22 and 1012.56, F.S.; conforming provisions; amending s. 1012.98, F.S.; revising requirements for professional development systems developed by school districts; providing that students participating in an accelerated high school graduation option may continue participation; providing a directive to the Division of Law Revision and Information; amending s. 1001.706, F.S.; requiring the strategic plan of the Board of Governors to include criteria for designating high-demand degree programs of emphasis; creating s. 1001.7065, F.S.; creating the preeminent state research universities program; establishing a collaborative partnership between the Board of Governors and the Legislature to elevate the academic and research preeminence of the highest-performing state research universities; establishing academic and research excellence standards for a university to be designated a preeminent state research university; providing for a preeminent state research university to establish an institute for online learning; directing the Board of Governors to convene an advisory board; providing duties and responsibilities of the advisory board, the university, and the Board of Governors to provide high-quality, fully online baccalaureate degree programs, including establishment of a tuition structure for the institute; providing for the award of funding to preeminent state research universities based upon performance; authorizing a preeminent state research university to establish special course requirements; providing for preeminent state research university flexibility; encouraging the Board of Governors to promote additional programs of excellence; amending s. 1004.02, F.S.; revising definitions relating to adult general education and instruction to attain academic and workforce readiness skills; creating s. 1004.082, F.S.; providing for support for talent retention programs for certain middle school and high school students; amending s. 1004.91, F.S.; revising requirements for basic skills instruction for career education programs; amending s. 1004.93, F.S.; requiring certain adult education students to complete action-steps-to-employment; amending s. 1006.735, F.S.; establishing the Complete Florida Degree Program and providing requirements for its implementation; amending s. 1007.263, F.S.; conforming provisions; amending s. 1008.37, F.S.; conforming provisions; amending s. 1009.22, F.S.; revising provisions relating to fees for students in adult education programs; amending s. 1009.25, F.S.; revising provisions relating to fee exemptions; amending s. 1009.26, F.S.; providing for fee waivers for certain baccalaureate degree programs; amending s. 1009.531, F.S.; deleting an eligibility requirement for a Florida Bright Futures Scholarship Program award; amending s. 1011.80, F.S.; revising provisions relating to the basis for funding workforce education programs; providing requirements for performance funding for industry certifications for school district workforce education programs; revising provisions relating to funding for coenrolled students; amending s. 1011.81, F.S.; providing requirements for performance funding for industry certifications for Florida College System institutions; providing for performance funding based on accountability metrics; amending s. 1011.905, F.S.; revising the formula upon which performance funding for state universities is based and awarded; requiring the State Board of Education and the Board of Governors to provide recommendations to the Legislature by a specified date; providing an effective date.

Rep. O'Toole moved the adoption of the amendment, which was adopted.

Further consideration of **CS/CS/HB 7091** was temporarily postponed.

**CS/CS/HB 7001** was taken up. On motion by Rep. Adkins, **CS for SB 1096** was substituted for **CS/CS/HB 7001**. Under Rule 5.14, the House bill was laid on the table.

**CS for SB 1096**—A bill to be entitled An act relating to the repeal of education provisions; amending s. 403.7032, F.S.; removing a requirement that each K-12 public school annually report to the county on recycled materials; repealing s. 1001.26(3), F.S.; removing duplicative, redundant, or unused rulemaking authority; repealing s. 1001.435, F.S., relating to a K-12 foreign language curriculum plan; repealing s. 1002.23(4), (6), and (9), F.S., relating to a parent-response center, submission of family involvement and empowerment rules by district school boards, and State Board of Education compliance review and enforcement under the Family and School Partnership for Student Achievement Act; repealing s. 1002.32(10), F.S.; removing duplicative, redundant, or unused rulemaking authority; repealing s. 1002.361, F.S., relating to a direct-support organization for the Florida School for the Deaf and the Blind; repealing s. 1002.375, F.S., relating to a pilot project to award alternative credit for high school courses; repealing s. 1003.4285(1), F.S., relating to a standard high school diploma designation that indicates a student's major area of interest; repealing s. 1003.43, F.S., relating to general requirements for high school graduation; repealing s. 1003.433(5), F.S.; removing duplicative, redundant, or unused rulemaking authority; repealing s. 1003.453(2), F.S., relating to information on school wellness and physical education policies posted on Department of Education and school district websites; repealing s. 1003.496, F.S., relating to the High School to Business Career Enhancement Program; repealing s. 1004.05, F.S., relating to substance abuse training programs for specified public school personnel; amending s. 1004.435, F.S.; removing duplicative, redundant, or unused rulemaking authority; amending s. 1004.45, F.S.; removing unnecessary rulemaking authority; repealing s. 1004.62, F.S., relating to incentives for state university student internships to study urban or socially and economically disadvantaged areas; repealing s. 1004.77, F.S., relating to centers of technology innovation; repealing s. 1006.02, F.S., relating to provision of information to students and parents regarding school-to-work transition; repealing s. 1006.035, F.S., relating to a dropout reentry and mentor project; repealing s. 1006.051, F.S., relating to the Sunshine Workforce Solutions Grant Program; repealing s. 1006.09(1)(d), F.S., relating to duties of school principals with respect to annual reporting and analysis of student suspensions and expulsions; repealing ss. 1006.17 and 1006.70, F.S., relating to sponsorship of athletic activities similar to those for which scholarships are offered; repealing s. 1006.65, F.S., relating to safety issues in courses offered by public postsecondary educational institutions; repealing s. 1007.21, F.S., relating to readiness for postsecondary education and the workplace; repealing s. 1007.35(10), F.S.; removing duplicative, redundant, or unused rulemaking authority; repealing s. 1008.31(3)(d) and (e), F.S., relating to review and reporting duties of the Commissioner of Education with respect to consolidating paperwork under Florida's K-20 education performance accountability system; repealing s. 1009.68, F.S., relating to the Florida Minority Medical Education Program; amending s. 1009.85, F.S.; removing duplicative, redundant, or unused rulemaking authority; repealing s. 1012.58, F.S., relating to the Transition to Teaching Program; repealing s. 1012.71(6), F.S., relating to a pilot program for establishing an electronic management system for the Florida Teachers Lead Program; repealing s. 1013.231, F.S., relating to Florida College System institution and state university energy consumption reduction; repealing s. 1013.32, F.S., relating to exceptions to recommendations in educational plant surveys; repealing ss. 1013.42 and 1013.72, F.S., relating to the School Infrastructure Thrift (SIT) Program; repealing ss. 1013.502 and 1013.721, F.S., relating to A Business-Community (ABC) School Program; repealing s. 1013.64(7), F.S., relating to exceptions from Special Facility Construction Account requirements; repealing s. 1013.73, F.S., relating to effort index grants for school district facilities; amending ss. 120.81, 250.115, 409.1451, 1001.11, 1002.20, 1002.33, 1002.34, 1002.45, 1003.03, 1003.429, 1003.438, 1003.49, 1004.70, 1004.71, 1006.025, 1006.15, 1007.263, 1007.271, 1008.22, 1008.23, 1009.40, 1009.531, 1009.94, 1011.61, 1013.35, 1013.356, 1013.41, 1013.64,

1013.69, and 1013.738, F.S.; conforming provisions; providing effective dates.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

**CS/CS/HB 7023**—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; transferring, redesignating, and amending s. 525.09(1), F.S.; transferring collection of a motor fuel inspection fee from the Department of Agriculture and Consumer Services to the Department of Revenue; amending s. 493.6101, F.S.; revising the definition of the term "repossession"; amending s. 493.6113, F.S.; revising firearms recertification training requirements for specified licenses of the private security, private investigative, and repossession industries; amending s. 493.6116, F.S.; deleting a provision prohibiting specified licensees from sponsoring certain interns; requiring interns to perform regulated duties within the state; amending s. 493.6118, F.S.; providing additional grounds for disciplinary action against firearm licensees; amending s. 493.6120, F.S.; providing criminal penalties for a person who knowingly obtains a fraudulent document declaring a licensure applicant to have completed specified training; amending s. 496.405, F.S.; revising procedures and requirements with respect to the submission and processing of registration statements and renewal statements by charitable organizations and sponsors; amending s. 496.406, F.S.; exempting specified organizations and sponsors from filing a registration statement; requiring exempt organizations and sponsors to file specified documents; providing for applicability; amending s. 496.407, F.S.; revising financial reporting requirements; amending s. 496.409, F.S.; revising registration procedures and requirements for professional fundraising consultants; amending s. 496.410, F.S.; revising registration procedures and requirements for professional solicitors; amending s. 496.411, F.S.; revising the information required to be displayed on specified solicitation materials; amending s. 496.415, F.S.; revising a provision prohibiting specified persons from submitting false, misleading, or inaccurate information related to a solicitation or a charitable or sponsor sales promotion; amending s. 496.419, F.S.; revising the responsibility of the Department of Agriculture and Consumer Services to report specified criminal violations; authorizing the department to issue a cease and desist order for specified violations; amending s. 501.016, F.S.; revising the amount of a surety bond, letter of credit, or guaranty agreement furnished to the department by a health studio; amending s. 501.059, F.S.; prohibiting a telephone solicitor from calling certain consumers; amending s. 501.603, F.S.; conforming a cross-reference; revising definitions; amending s. 501.604, F.S.; revising exemptions from specified provisions of the Florida Telemarketing Act; amending s. 501.607, F.S.; revising salesperson application requirements; amending s. 501.608, F.S.; requiring commercial telephone sellers seeking an affidavit of exemption to provide the department with certain information at the department's request; requiring licensees and exempt persons to display certain documentation; authorizing the department to issue a cease and desist order and to order a salesperson to leave an office if the salesperson is unable to properly display or produce a license or a receipt of filing of an affidavit of exemption; amending s. 501.611, F.S.; providing that a surety bond filed with the department by a commercial telephone seller remains in force for a specified period; amending s. 501.615, F.S.; revising the contract requirements and restrictions on telephonic sales by commercial telephone sellers; amending s. 501.617, F.S.; authorizing an enforcing authority to conduct regulatory inspections; amending s. 507.03, F.S.; requiring moving brokers to provide certain information at the request of the department; amending s. 507.04, F.S.; deleting the requirement for a moving broker to maintain certain liability coverage; amending s. 507.07, F.S.; prohibiting movers and moving brokers from entering into certain service contracts with certain unregistered persons; amending s. 525.01, F.S.; revising the definition of the term "alternative fuel"; repealing s. 525.09(2)-(4), F.S., relating to the payment and applicability of an inspection fee for testing and analyzing petroleum fuels; amending s. 525.10, F.S.; deleting a provision requiring certain moneys to be paid into the State Treasury before being deposited into a specified trust fund; amending s. 525.16, F.S.; requiring entities that sell or

distribute certain fuels to meet fuel standards adopted by the department; providing a release of liability for certain entities who supply and blend fuels that meet department standards; amending s. 526.141, F.S.; providing that certain entities are not liable for damages resulting from the use of incompatible motor fuels under certain circumstances; amending s. 527.01, F.S.; defining the term "license year" applicable to certain liquefied petroleum gas licenses; amending s. 527.0201, F.S.; revising examination requirements for applicants seeking certain licenses; revising continuing education requirements for specified qualifiers; amending s. 527.03, F.S.; revising the requirements and procedure for renewal of liquefied petroleum gas licenses; amending s. 531.415, F.S.; revising a provision exempting certain petroleum equipment from specified fees; amending s. 531.61, F.S.; revising a provision exempting certain devices from permitting requirements; creating s. 531.67, F.S., and repealing s. 40, ch. 2009-66, Laws of Florida, relating to permits for weights and measures instruments or devices, to provide for codification in the Florida Statutes of the expiration of specified provisions and extending the expiration date; amending s. 539.001, F.S.; revising fingerprinting requirements for a pawnbroker license application; amending s. 559.802, F.S.; requiring a specified notice to be filed on a form adopted by the department; amending s. 559.803, F.S.; revising the requirements of the mandatory written disclosure statement provided to purchasers of business opportunities; repealing s. 559.805, F.S., relating to mandatory filings and disclosure of advertisement identification numbers by sellers of business opportunities; amending s. 559.807, F.S.; deleting a provision providing for the use of certain securities requirements relating to selling business opportunities; amending s. 559.813, F.S.; deleting a provision authorizing the department to impose specified penalties for certain violations relating to selling business opportunities; deleting a provision authorizing the department to adopt rules; deleting a provision naming the department as an enforcing authority; amending s. 559.815, F.S.; conforming provisions to changes made by the act; amending s. 559.9221, F.S.; revising the membership of the Motor Vehicle Repair Advisory Council; amending s. 616.242, F.S.; revising amusement ride insurance coverage requirements; amending s. 721.20, F.S.; requiring specified persons who sell timeshare plans to be licensed as commercial telephone sellers or salespersons under ch. 501, F.S.; providing for severability; providing an effective date.

—was read the second time by title.

Representative Cummings offered the following:

(Amendment Bar Code: 173333)

**Amendment 1 (with title amendment)**—Remove lines 1054-1098 and insert:

Section 24. Subsection (10) is added to section 507.03, Florida Statutes, to read:

507.03 Registration.—

(10) At the request of the department, each moving broker shall provide a complete list of the movers that the moving broker has contracted or is affiliated with, advertises on behalf of, arranges moves for, or refers shippers to, including each mover's complete name, address, telephone number, and e-mail address and the name of each mover's owner or other principal.

#### TITLE AMENDMENT

Remove lines 75-77 and insert:  
information at the request of the department;

Rep. Cummings moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

**CS/HB 93**—A bill to be entitled An act relating to homelessness; amending ss. 320.02, 322.08, and 322.18, F.S.; requiring the motor vehicle registration form and registration renewal form, the driver license application

form, and the driver license application form for renewal issuance or renewal extension to include an option to make a voluntary contribution to aid the homeless; providing for such contributions to be deposited into the Grants and Donations Trust Fund of the Department of Children and Families and used by the State Office on Homelessness for certain purposes; providing exemption from certain application fee requirements; providing that voluntary contributions for the homeless are not income of a revenue nature for the purpose of applying certain service charges; creating s. 414.161, F.S.; establishing a homelessness prevention grant program; requiring grant applicants to be ranked competitively; providing preference for certain grant applicants; providing eligibility requirements; providing grant limitations and restrictions; requiring lead agencies for local homeless assistance continuums of care to track, monitor, and report on assisted families for a specified period; amending s. 420.622, F.S.; limiting the percentage of funding that lead agencies may spend on administrative costs; amending s. 420.625, F.S.; deleting a cross-reference to conform; repealing s. 414.16, F.S., relating to the emergency assistance program for families with children that have lost shelter or face loss of shelter due to an emergency; transferring emergency assistance program funds to the homelessness prevention grant program; providing effective dates.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

**CS/HB 423**—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.05, F.S.; providing an exception to sales tax for dyed diesel fuel used in vessels for commercial fishing and aquacultural purposes; amending s. 212.0501, F.S.; providing an exception from sales tax collected by a licensed sales tax dealer for dyed diesel fuel used in vessels for commercial fishing and aquacultural purposes; amending s. 212.08, F.S.; providing a sales tax exemption for dyed diesel fuel used in vessels for commercial fishing and aquacultural purposes; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

**CS/HB 731**—A bill to be entitled An act relating to public records; amending s. 119.071, F.S.; creating an exemption from public records requirements for the names of the spouses and children of active or former sworn or civilian law enforcement personnel, including children and spouses of correctional and correctional probation officers, personnel of the Department of Children and Families whose duties include the investigation of abuse, neglect, exploitation, fraud, theft, or other criminal activities, personnel of the Department of Health whose duties are to support the investigation of child abuse or neglect, and personnel of the Department of Revenue or local governments whose responsibilities include revenue collection and enforcement or child support enforcement; providing for future review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

—was read the second time by title.

Representative Fitzenhagen offered the following:

(Amendment Bar Code: 352993)

**Amendment 1 (with title amendment)**—Remove lines 75-245 and insert:

d.(I) The home addresses, telephone numbers, social security numbers, dates of birth, and photographs of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; the home addresses, telephone numbers, social security numbers, photographs, dates of birth, and places of employment of the spouses and children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; and the names and locations

of schools and day care facilities attended by the children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(II) The names of the spouses and children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(III) Sub-sub-subparagraph d.(II) is subject to the Open Government Sunset Review Act in accordance with s. 119.15, and shall stand repealed on October 2, 2018, unless reviewed and saved from repeal through reenactment by the Legislature.

e. The home addresses, dates of birth, and telephone numbers of general magistrates, special magistrates, judges of compensation claims, administrative law judges of the Division of Administrative Hearings, and child support enforcement hearing officers; the home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of general magistrates, special magistrates, judges of compensation claims, administrative law judges of the Division of Administrative Hearings, and child support enforcement hearing officers; and the names and locations of schools and day care facilities attended by the children of general magistrates, special magistrates, judges of compensation claims, administrative law judges of the Division of Administrative Hearings, and child support enforcement hearing officers are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution if the general magistrate, special magistrate, judge of compensation claims, administrative law judge of the Division of Administrative Hearings, or child support hearing officer provides a written statement that the general magistrate, special magistrate, judge of compensation claims, administrative law judge of the Division of Administrative Hearings, or child support hearing officer has made reasonable efforts to protect such information from being accessible through other means available to the public.

f. The home addresses, telephone numbers, dates of birth, and photographs of current or former human resource, labor relations, or employee relations directors, assistant directors, managers, or assistant managers of any local government agency or water management district whose duties include hiring and firing employees, labor contract negotiation, administration, or other personnel-related duties; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

g. The home addresses, telephone numbers, dates of birth, and photographs of current or former code enforcement officers; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

h. The home addresses, telephone numbers, places of employment, dates of birth, and photographs of current or former guardians ad litem, as defined in s. 39.820; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such persons; and the names and locations of schools and day care facilities attended by the children of such persons are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, if the guardian ad litem provides a written statement that the guardian ad litem has made reasonable efforts to protect such information from being accessible through other means available to the public.

i. The home addresses, telephone numbers, dates of birth, and photographs of current or former juvenile probation officers, juvenile probation supervisors, detention superintendents, assistant detention superintendents, juvenile justice detention officers I and II, juvenile justice detention officer supervisors, juvenile justice residential officers, juvenile justice residential officer supervisors I and II, juvenile justice counselors, juvenile justice counselor supervisors, human services counselor administrators, senior human services counselor administrators, rehabilitation therapists, and social services counselors of the Department of Juvenile Justice; the names, home addresses, telephone numbers, dates of birth, and places of employment of



spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

j. The home addresses, telephone numbers, dates of birth, and photographs of current or former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel; the home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such defenders or counsel; and the names and locations of schools and day care facilities attended by the children of such defenders or counsel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

k. The home addresses, telephone numbers, and photographs of current or former investigators or inspectors of the Department of Business and Professional Regulation; the names, home addresses, telephone numbers, and places of employment of the spouses and children of such current or former investigators and inspectors; and the names and locations of schools and day care facilities attended by the children of such current or former investigators and inspectors are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution if the investigator or inspector has made reasonable efforts to protect such information from being accessible through other means available to the public. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2017, unless reviewed and saved from repeal through reenactment by the Legislature.

l. The home addresses and telephone numbers of county tax collectors; the names, home addresses, telephone numbers, and places of employment of the spouses and children of such tax collectors; and the names and locations of schools and day care facilities attended by the children of such tax collectors are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution if the county tax collector has made reasonable efforts to protect such information from being accessible through other means available to the public. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2017, unless reviewed and saved from repeal through reenactment by the Legislature.

3. An agency that is the custodian of the information specified in subparagraph 2. and that is not the employer of the officer, employee, justice, judge, or other person specified in subparagraph 2. shall maintain the exempt status of that information only if the officer, employee, justice, judge, other person, or employing agency of the designated employee submits a written request for maintenance of the exemption to the custodial agency.

4. The exemptions in this paragraph apply to information held by an agency before, on, or after the effective date of the exemption.

5. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15, and shall stand repealed on October 2, 2017, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. (1) The Legislature finds that it is a public necessity that the names of the spouses and children of active or former sworn or civilian law enforcement personnel be made exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. Sworn and civilian law enforcement personnel in this state perform a variety of important duties that ensure public safety and welfare and encourage safe and civil communities. Correctional and correctional probation officers work with felons, many of whom have committed violent crimes. Personnel of the Department of Children and Families whose duties include the investigation of abuse, neglect, exploitation, fraud, theft, or other criminal activities, and personnel of the Department of Health, work with individuals who may be a danger to their own children and families, as well as the children of others. Personnel of the Department of Revenue or local governments whose responsibilities include revenue collection and enforcement or child support enforcement investigate and bring enforcement actions against individuals who have failed to pay their lawful taxes or failed to pay to support their children. As a result of their duties, these sworn and civilian law enforcement personnel often come in close contact with individuals who not only may be a threat to these personnel, but who might seek to take revenge against them by harming their spouses and children. Permitting access to the names of the spouses and

children of active or former sworn or civilian law enforcement personnel provides a means by which individuals who have been investigated, arrested, interrogated, or incarcerated can identify and cause physical or emotional harm to these spouses and children. The Legislature therefore finds that the harm that may result from the release of the names of spouses and children of such law enforcement personnel outweighs any public benefit that may be derived from the disclosure of the information.

(2) The Legislature finds that it is a public necessity that the names of the spouses and children of current or former state attorneys, assistant state attorneys, statewide prosecutors, and assistant statewide prosecutors be made exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. State attorneys, assistant state attorneys, statewide prosecutors, and assistant statewide prosecutors prosecute individuals who are considered dangerous and violent. Permitting access to the names of the spouses and children of current or former state attorneys, assistant state attorneys, statewide prosecutors, and assistant statewide prosecutors provides a means by which a criminal defendant or a friend or family member of such defendant could harm or threaten with harm these spouses and children. The Legislature therefore finds that the harm that may result from the release of the names of spouses and children of such attorneys and prosecutors outweighs any public benefit that may be derived from the disclosure of the information.

#### TITLE AMENDMENT

Remove line 18 and insert:

Sunset Review Act; creating an exemption from public records requirements for the names of the spouses and children of current or former state attorneys, assistant state attorneys, statewide prosecutors, and assistant statewide prosecutors; providing for future review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of

Rep. Fitzhagen moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

**CS/HB 7051**—A bill to be entitled An act relating to resident status for tuition purposes; amending s. 1009.21, F.S.; revising the definitions of the terms "dependent child" and "parent"; revising certain residency requirements for a dependent child; prohibiting denial of classification as a resident for tuition purposes based on certain immigration status; revising provisions relating to required documentation as evidence of residency; revising requirements relating to classification or reclassification as a resident for tuition purposes based on marriage; revising requirements relating to reevaluation of classification as a resident for tuition purposes; providing that certain veterans of the Armed Services of the United States and persons who receive certain tuition exemptions or waivers shall be classified as residents for tuition purposes; providing for the adoption of rules and regulations; providing an effective date.

—was read the second time by title.

Representative Rodríguez, J. offered the following:

(Amendment Bar Code: 660705)

**Amendment 1 (with title amendment)**—Between lines 209 and 210, insert:

Section 2. Subsection (9) of section 1009.26, Florida Statutes, is amended to read:

1009.26 Fee waivers.—

(9) Each university and Florida College System institution board of trustees is authorized to waive tuition and out-of-state fees for purposes that support and enhance the mission of the respective institution ~~university~~. Such waiver ~~All fees waived~~ must be based on policies that are adopted by the institution's board ~~university boards~~ of trustees ~~pursuant to regulations adopted by the Board of Governors~~. Such policies may base eligibility upon



several years of attendance at a Florida high school and graduation, or its equivalent, from a Florida high school or upon other criteria that do not explicitly rely upon state residency in compliance with 8 U.S.C. s. 1623. As required by the Board of Governors or the State Board of Education, as applicable, each institution university shall report the purpose, number, and value of all fee waivers granted annually in a format prescribed by the Board of Governors.

#### TITLE AMENDMENT

Remove line 19 and insert:  
adoption of rules and regulations; amending s. 1009.26, F.S.; authorizing state universities and Florida College System institutions to adopt fee and tuition waivers based on certain student eligibility; providing an

Rep. J. Rodríguez moved the adoption of the amendment.

#### Point of Order

Rep. O'Toole raised a point of order, under Rule 12.8, that the amendment was out of order because it was not germane to HB 7051.

The Chair [Speaker Weatherford] referred the point to Rep. Schenck, Chair of the Rules & Calendar Committee, for recommendation.

Rep. Schenck, Chair of the Rules & Calendar Committee, in speaking to the point of order on Amendment 1 to HB 7051, recommended that the point be well taken.

The Chair [Speaker Weatherford], upon the recommendation of Rep. Schenck, Chair of the Rules & Calendar Committee, ruled the point well taken and the amendment out of order.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

**HB 4013**—A bill to be entitled An act relating to tax refund programs; amending ss. 288.1045 and 288.106, F.S.; deleting caps on tax refunds for qualified defense contractors and space flight businesses and for qualified target industry businesses; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

**HB 4001**—A bill to be entitled An act relating to the Florida Renewable Fuel Standard Act; repealing ss. 526.201-526.207, F.S., the Florida Renewable Fuel Standard Act, to remove the requirement that all gasoline offered for sale in this state include a percentage of ethanol, subject to specified exemptions, waivers, suspensions, extensions, enforcement, and reporting; amending s. 206.43, F.S.; conforming a cross-reference; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

Consideration of **CS/CS/HB 707** was temporarily postponed.

**CS/CS/HB 457**—A bill to be entitled An act relating to the collection of worthless payment instruments; amending s. 68.065, F.S.; defining the term "payment instrument"; applying certain provisions relating to civil actions brought to collect dishonored checks, drafts, and orders of payment to specified types of payment instruments to permit the award of triple damages, court costs, and reasonable attorney fees, the imposition of service charges, and requirements for written demands for payment that must be delivered before commencement of collection actions; authorizing the payee of a dishonored payment instrument to recover bank fees and a service charge without filing a civil action; conforming provisions to changes made by the act; providing an effective date.

—was read the second time by title.

THE SPEAKER PRO TEMPORE IN THE CHAIR.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

**CS/HB 607**—A bill to be entitled An act relating to canned or perishable food distributed free of charge; amending s. 768.136, F.S.; limiting the liability of public schools with respect to the donation of canned or perishable food to charitable or nonprofit organizations; revising a definition; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

**CS/CS/HB 537**—A bill to be entitled An act relating to growth management; amending s. 163.3167, F.S.; providing that an initiative or referendum process for any development order is prohibited; providing that an initiative or referendum process for any local comprehensive plan amendments and map amendments is prohibited; providing an exception for an initiative or referendum process specifically authorized by local government charter provision in effect as of June 1, 2011, for certain local comprehensive plan amendments and map amendments; providing that certain charter provisions for an initiative or referendum process are not sufficient; providing legislative intent; providing that certain prohibitions apply retroactively; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

**HB 191** was taken up. On motion by Rep. Raulerson, SB 338 was substituted for HB 191. Under rule 5.13, the House bill was laid on the table.

**SB 338**—A bill to be entitled An act relating to theft of utility services; amending s. 812.14, F.S.; providing additional criminal penalties for utility services wrongfully taken; providing that the person who unlawfully took utility services is liable to the utility for an increased civil penalty subject to the amount of the utility services unlawfully obtained; providing an effective date.

—was read the second time by title and, under rule 10.10(b), referred to the Engrossing Clerk.

**CS/CS/CS/HB 489**—A bill to be entitled An act relating to railroad police officers; amending s. 354.01, F.S.; authorizing the temporary appointment of special officers who meet certain qualifications; requiring special officers employed by a railroad or other common carrier to have specified qualifications and meet specified continuing training or education requirements; providing that a Class I, Class II, or Class III railroad shall be considered an employing agency for specified purposes and shall pay costs associated with training and continuing education; amending s. 784.07, F.S.; defining the term "railroad special officer"; providing for reclassification of certain offenses committed against a railroad special officer; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

**CS/HB 311**—A bill to be entitled An act relating to costs of prosecution, investigation, and representation; amending s. 903.286, F.S.; providing for the withholding of unpaid costs of prosecution and representation from the return of a cash bond posted on behalf of a criminal defendant; requiring a notice on bond forms of such possible withholding; amending s. 938.27, F.S.; clarifying the types of cases that are subject to the collection and dispensing of cost

payments by the clerk of the court; amending s. 985.032, F.S.; providing for assessment of costs of prosecution against a juvenile who has been adjudicated delinquent or has adjudication of delinquency withheld; amending s. 985.455, F.S.; providing that a child adjudicated delinquent may perform community service in lieu of certain costs and fees; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

**CS/HB 353**—A bill to be entitled An act relating to juvenile justice; creating s. 985.702, F.S.; providing definitions; providing for the imposition of criminal penalties against specified employees who inflict cruel or inhuman treatment upon juvenile offenders; providing enhanced penalties for such treatment that results in great bodily harm, permanent disability, or permanent disfigurement to a juvenile offender; specifying that such conduct constitutes sufficient cause for an employee's dismissal from employment; prohibiting such employee from future employment with the juvenile justice system; providing incident reporting requirements; prohibiting an employee who witnesses such an incident from knowingly or willfully failing to report; prohibiting false reporting, preventing another from reporting, or coercing another to alter testimony or reports; providing penalties; amending s. 985.701, F.S.; defining the term "juvenile offender" for purposes of prohibiting sexual misconduct with juvenile offenders; providing an effective date.

—was read the second time by title.

Representative Harrell offered the following:

(Amendment Bar Code: 392831)

**Amendment 1**—Remove line 55 and insert:  
of the second degree, punishable as provided in s. 775.082, s.

Rep. Harrell moved the adoption of the amendment, which was adopted.

Representative Harrell offered the following:

(Amendment Bar Code: 280685)

**Amendment 2 (with title amendment)**—Between lines 129 and 130, insert:

Section 3. Section 945.75, Florida Statutes, is repealed.

Section 4. Section 985.105, Florida Statutes, is repealed.

Section 5. Paragraphs (h) through (k) of subsection (3) of section 121.0515, Florida Statutes, are redesignated as paragraphs (g) through (j) of that subsection, respectively, and paragraphs (e) through (i) of subsection (2), present paragraphs (g) and (k) of subsection (3), paragraph (b) of subsection (5), paragraph (d) of subsection (8), and paragraph (c) of subsection (10) of that section are amended to read:

121.0515 Special Risk Class.—

(2) MEMBERSHIP.—

~~(e) Effective July 1, 2001, "special risk member" includes any member who is employed as a youth custody officer by the Department of Juvenile Justice and meets the special criteria set forth in paragraph (3)(g).~~

~~(e)(f)~~ Effective October 1, 2005, through June 30, 2008, the member must be employed by a law enforcement agency or medical examiner's office in a forensic discipline and meet the special criteria set forth in paragraph (3)(g) ~~(3)(h)~~.

~~(f)(g)~~ Effective July 1, 2008, the member must be employed by the Department of Law Enforcement in the crime laboratory or by the Division of State Fire Marshal in the forensic laboratory and meet the special criteria set forth in paragraph (3)(h) ~~(3)(i)~~.

~~(g)(h)~~ Effective July 1, 2008, the member must be employed by a local government law enforcement agency or medical examiner's office and meet the special criteria set forth in paragraph (3)(i) ~~(3)(j)~~.

~~(h)(i)~~ Effective August 1, 2008, "special risk member" includes any member who meets the special criteria for continued membership set forth in paragraph (3)(j) ~~(3)(k)~~.

(3) CRITERIA.—A member, to be designated as a special risk member, must meet the following criteria:

~~(g) Effective July 1, 2001, the member must be employed as a youth custody officer and be certified, or required to be certified, in compliance with s. 943.1395. In addition, the member's primary duties and responsibilities must be the supervised custody, surveillance, control, investigation, apprehension, arrest, and counseling of assigned juveniles within the community;~~

~~(j)(k)~~ The member must have already qualified for and be actively participating in special risk membership under paragraph (a), paragraph (b), or paragraph (c), must have suffered a qualifying injury as defined in this paragraph, must not be receiving disability retirement benefits as provided in s. 121.091(4), and must satisfy the requirements of this paragraph.

1. The ability to qualify for the class of membership defined in paragraph (2)(h) ~~(2)(i)~~ occurs when two licensed medical physicians, one of whom is a primary treating physician of the member, certify the existence of the physical injury and medical condition that constitute a qualifying injury as defined in this paragraph and that the member has reached maximum medical improvement after August 1, 2008. The certifications from the licensed medical physicians must include, at a minimum, that the injury to the special risk member has resulted in a physical loss, or loss of use, of at least two of the following: left arm, right arm, left leg, or right leg; and:

a. That this physical loss or loss of use is total and permanent, except in the event that the loss of use is due to a physical injury to the member's brain, in which event the loss of use is permanent with at least 75 percent loss of motor function with respect to each arm or leg affected.

b. That this physical loss or loss of use renders the member physically unable to perform the essential job functions of his or her special risk position.

c. That, notwithstanding this physical loss or loss of use, the individual is able to perform the essential job functions required by the member's new position, as provided in subparagraph 3.

d. That use of artificial limbs is either not possible or does not alter the member's ability to perform the essential job functions of the member's position.

e. That the physical loss or loss of use is a direct result of a physical injury and not a result of any mental, psychological, or emotional injury.

2. For the purposes of this paragraph, "qualifying injury" means an injury sustained in the line of duty, as certified by the member's employing agency, by a special risk member that does not result in total and permanent disability as defined in s. 121.091(4)(b). An injury is a qualifying injury if the injury is a physical injury to the member's physical body resulting in a physical loss, or loss of use, of at least two of the following: left arm, right arm, left leg, or right leg. Notwithstanding any other provision of this section, an injury that would otherwise qualify as a qualifying injury is not considered a qualifying injury if and when the member ceases employment with the employer for whom he or she was providing special risk services on the date the injury occurred.

3. The new position, as described in sub-subparagraph 1.c., that is required for qualification as a special risk member under this paragraph is not required to be a position with essential job functions that entitle an individual to special risk membership. Whether a new position as described in sub-subparagraph 1.c. exists and is available to the special risk member is a decision to be made solely by the employer in accordance with its hiring practices and applicable law.

4. This paragraph does not grant or create additional rights for any individual to continued employment or to be hired or rehired by his or her employer that are not already provided within the Florida Statutes, the State Constitution, the Americans with Disabilities Act, if applicable, or any other applicable state or federal law.

(5) REMOVAL OF SPECIAL RISK CLASS MEMBERSHIP.—

(b) Any member who is a special risk member on July 1, 2008, and who became eligible to participate under paragraph (3)(g) ~~(3)(h)~~ but fails to meet the criteria for Special Risk Class membership established by paragraph (3)(h) ~~(3)(i)~~ or paragraph (3)(i) ~~(3)(j)~~ shall have his or her special risk designation removed and thereafter shall be a Regular Class member and earn only

Regular Class membership credit. The department may review the special risk designation of members to determine whether or not those members continue to meet the criteria for Special Risk Class membership.

(8) SPECIAL RISK ADMINISTRATIVE SUPPORT CLASS.—

(d) Notwithstanding any other provision of this subsection, this subsection does not apply to any special risk member who qualifies for continued membership pursuant to paragraph (3)(i) ~~(3)(4)~~.

(10) CREDIT FOR UPGRADED SERVICE.—

(c) Any member of the Special Risk Class who has earned creditable service through June 30, 2008, in another membership class of the Florida Retirement System in a position with the Department of Law Enforcement or the Division of State Fire Marshal and became covered by the Special Risk Class as described in paragraph (3)(h) ~~(3)(i)~~, or with a local government law enforcement agency or medical examiner's office and became covered by the Special Risk Class as described in paragraph (3)(i) ~~(3)(j)~~, which service is within the purview of the Special Risk Class, and is employed in such position on or after July 1, 2008, may purchase additional retirement credit to upgrade such service to Special Risk Class service, to the extent of the percentages of the member's average final compensation provided in s. 121.091(1)(a)2. The cost for such credit must be an amount representing the actuarial accrued liability for the difference in accrual value during the affected period of service. The cost shall be calculated using the discount rate and other relevant actuarial assumptions that were used to value the Florida Retirement System Pension Plan liabilities in the most recent actuarial valuation. The division shall ensure that the transfer sum is prepared using a formula and methodology certified by an enrolled actuary. The cost must be paid immediately upon notification by the division. The local government employer may purchase the upgraded service credit on behalf of the member if the member has been employed by that employer for at least 3 years.

#### TITLE AMENDMENT

Remove line 21 and insert:

juvenile offenders; repealing s. 945.75, F.S.; deleting a requirement that the Department of Corrections and counties develop programs under which a judge may order juveniles who have committed delinquent acts to tour correctional facilities; repealing s. 985.105, F.S., relating to the creation, duties, and qualifications of the youth custody officer position within the Department of Juvenile Justice; amending s. 121.0515, F.S.; conforming provisions to changes made by the act; providing an effective date.

Rep. Harrell moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

**CS/HB 571**—A bill to be entitled An act relating to the marshal of the Supreme Court; amending s. 25.251, F.S.; revising terminology; requiring the marshal and his or her deputies to comply with specified requirements for law enforcement officers; specifying that the marshal and his or her deputies are law enforcement officers with full powers to bear arms and make arrests under certain conditions; limiting the use of those powers to the performance of official duties for the Supreme Court; amending s. 25.271, F.S.; deleting provisions relating to the marshal and his or her deputies being conservators of the peace; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

**CS/HB 663**—A bill to be entitled An act relating to the Economic Gardening Technical Assistance Program; amending s. 288.1082, F.S.; expanding the Economic Gardening Technical Assistance Pilot Program into a statewide program; requiring the Department of Economic Opportunity to contract with the Florida Economic Gardening Institute at the University of Central Florida to administer the program; revising and providing eligibility requirements for the program; providing definitions; amending s. 288.1081,

F.S.; conforming references to the Economic Gardening Technical Assistance Pilot Program to changes made by the act; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

**CS/HB 953**—A bill to be entitled An act relating to warrants; amending s. 901.02, F.S.; specifying when an arrest warrant may be issued; authorizing a judge to electronically sign an arrest warrant if certain conditions are met; providing that an arrest warrant is signed by a judge at the time the judge affixes his or her signature or electronic signature to the warrant; defining the term "electronic signature"; amending s. 933.07, F.S.; authorizing a judge to electronically sign a search warrant if certain conditions are met; providing that a search warrant is signed by a judge at the time the judge affixes his or her signature or electronic signature to the warrant; defining the term "electronic signature"; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

**HB 7035**—A bill to be entitled An act relating to pretrial detention; amending s. 907.041, F.S.; providing additional factors a court may consider when ordering pretrial detention; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

**HB 941**—A bill to be entitled An act relating to fees and costs incurred in guardianship proceedings; amending s. 744.108, F.S.; providing that fees and costs incurred by an attorney who has rendered services to a ward in compensation proceedings are payable from guardianship assets; providing that expert testimony is unnecessary in proceedings to determine compensation for an attorney or guardian; amending s. 744.3025, F.S.; providing that a court may appoint a guardian ad litem to a minor if necessary to protect the minor's interests in a settlement; providing that a settlement of a minor's claim is subject to certain confidentiality provisions; amending s. 744.331, F.S.; directing that the examining committee be paid from state funds as court-appointed expert witnesses if a petition for incapacity is dismissed; requiring that a petitioner reimburse the state for expert witness fees if the court finds the petition to have been filed in bad faith; providing an effective date.

—was read the second time by title. On motion by Rep. Schenck, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 80

Representative Coley in the Chair.

Yeas—115

Adkins	Crisafulli	Hager	Moraitis
Ahern	Cruz	Harrell	Moskowitz
Albritton	Cummings	Holder	Nelson
Antone	Danish	Hood	Núñez
Artiles	Davis	Hooper	Oliva
Baxley	Diaz, J.	Hudson	O'Toole
Berman	Diaz, M.	Hutson	Pafford
Beshears	Dudley	Ingram	Passidomo
Bileca	Eagle	Jones, M.	Patronis
Boyd	Edwards	Jones, S.	Perry
Bracy	Fasano	Kerner	Peters
Brodeur	Fitzenhagen	La Rosa	Pigman
Broxson	Fresen	Lee	Porter
Campbell	Fullwood	Magar	Powell
Clarke-Reed	Gaetz	Mayfield	Precourt
Clelland	Gibbons	McBurney	Pritchett
Coley	Gonzalez	McGhee	Raburn
Combee	Goodson	McKeel	Rader
Corcoran	Grant	Metz	Rangel

Raschein	Rooney	Stark	Waldman
Raulerson	Rouson	Steube	Watson, B.
Reed	Santiago	Stewart	Watson, C.
Rehwinkel Vasilinda	Saunders	Stone	Weatherford
Renuart	Schenck	Taylor	Williams, A.
Richardson	Schwartz	Thurston	Wood
Roberson, K.	Slosberg	Tobia	Workman
Rodriguez, R.	Smith	Torres	Young
Rodriguez, J.	Spano	Trujillo	Zimmermann
Rogers	Stafford	Van Zant	

Nays—None

Votes after roll call:

Yeas—Pilon

So the bill passed and was certified to the Senate.

**CS/HB 943**—A bill to be entitled An act relating to public records; amending s. 744.3701, F.S.; creating an exemption from public records requirements for records relating to the settlement of a claim on behalf of a minor or ward; authorizing a guardian ad litem, a ward, a minor, and a minor's attorney to inspect guardianship reports and court records relating to the settlement of a claim on behalf of a minor or ward, upon a showing of good cause; authorizing the court to direct disclosure and recording of an amendment to a report or court records relating to the settlement of a claim on behalf of a ward or minor, in connection with real property or for other purposes; providing a statement of public necessity; providing a contingent effective date.

—was read the second time by title. On motion by Rep. Schenck, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 81

Representative Coley in the Chair.

Yeas—115

Adkins	Fasano	Moskowitz	Rouson
Ahern	Fitzenhagen	Nelson	Santiago
Albritton	Fresen	Núñez	Saunders
Antone	Fullwood	Oliva	Schenck
Artiles	Gaetz	O'Toole	Schwartz
Baxley	Gibbons	Pafford	Slosberg
Berman	Gonzalez	Passidomo	Smith
Beshears	Goodson	Perry	Spano
Bileca	Grant	Peters	Stafford
Boyd	Hager	Pigman	Stark
Bracy	Harrell	Pilon	Steube
Brodeur	Holder	Porter	Stewart
Broxson	Hood	Powell	Stone
Campbell	Hooper	Precourt	Taylor
Clarke-Reed	Hudson	Pritchett	Thurston
Clelland	Hutson	Raburn	Tobia
Coley	Ingram	Rader	Torres
Combee	Jones, M.	Rangel	Trujillo
Corcoran	Jones, S.	Raschein	Van Zant
Crisafulli	Kerner	Raulerson	Waldman
Cruz	La Rosa	Reed	Watson, B.
Cummings	Lee	Rehwinkel Vasilinda	Watson, C.
Danish	Magar	Renuart	Weatherford
Davis	Mayfield	Richardson	Williams, A.
Diaz, J.	McBurney	Roberson, K.	Wood
Diaz, M.	McGhee	Rodriguez, R.	Workman
Dudley	McKeel	Rodriguez, J.	Young
Eagle	Metz	Rogers	Zimmermann
Edwards	Moraitis	Rooney	

Nays—None

So the bill passed by the required constitutional two-thirds vote of the members voting and was certified to the Senate.

## THE SPEAKER IN THE CHAIR

On motion by Rep. Schenck the rules were waived and the House reverted to the order of business of—

## Messages from the Senate

The following Messages from the Senate were read and the bills received a first reading by publication (Art. III, s. 7, Florida Constitution) on April 10, 2013 (*as shown in the House Journal on pages 455-463*):

**SB 1508**—A bill to be entitled An act relating to court-appointed counsel; amending s. 27.40, F.S.; eliminating limited registry provisions; amending s. 27.5304, F.S.; revising statutory caps for certain flat fees; providing an effective date.

—was read the second time by title.

Representative McBurney offered the following:

(Amendment Bar Code: 035177)

**Amendment 1 (with title amendment)**—Remove everything after the enacting clause and insert:

### TITLE AMENDMENT

Remove everything before the enacting clause and insert:

Rep. McBurney moved the adoption of the amendment, which was adopted.

Under Rule 10.10 (b), the bill was referred to the Engrossing Clerk.

**SB 1510**—A bill to be entitled An act relating to postconviction capital collateral proceedings; amending s. 27.701, F.S.; providing for the elimination of a capital collateral counsel pilot program in the northern region of the state; amending s. 27.702, F.S.; requiring each capital collateral regional counsel to provide a report to the Justice Administrative Commission; amending ss. 27.710 and 27.711, F.S.; providing for the assumption of certain duties of the Chief Financial Officer by the Justice Administrative Commission; providing an effective date.

—was read the second time by title.

Representative McBurney offered the following:

(Amendment Bar Code: 554083)

**Amendment 1 (with title amendment)**—Remove everything after the enacting clause and insert:

### TITLE AMENDMENT

Remove everything before the enacting clause and insert:

Rep. McBurney moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

**SB 1522**—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 320.0804, F.S.; revising and directing the distribution of the vehicle license tax surcharge into the State Transportation Trust Fund and the Highway Safety Operating Trust Fund; providing an effective date.

—was read the second time by title.

Representative Hooper offered the following:

(Amendment Bar Code: 647783)

**Amendment 1 (with title amendment)**—Remove everything after the enacting clause and insert:

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#### TITLE AMENDMENT

Remove everything before the enacting clause and insert:

Rep. Hooper moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

**CS for CS for SB 1660**—A bill to be entitled An act relating to quality cancer care and research; creating s. 381.925, F.S.; providing legislative intent and goals; establishing a Cancer Center of Excellence Award for providers that excel in providing cancer care and treatment in this state; requiring the Florida Cancer Control and Research Advisory Council and the Biomedical Research Advisory Council to jointly develop and periodically update performance measures, a rating system, and a rating standard in accordance with specified criteria for applicants to qualify for the award; providing minimum standards; authorizing a provider to apply to the Department of Health for the award; requiring the Florida Cancer Control and Research Advisory Council and the Biomedical Research Advisory Council to jointly develop an application form; requiring the department to conduct two application cycles each year; specifying that ch. 120, F.S., does not apply to the applications or notification of entities that are eligible for the award; requiring the State Surgeon General to assemble an evaluation team to assess applications; requiring each application to be evaluated independently of any other application; providing membership of and requirements for the evaluation team; providing duties of the members of the evaluation team; requiring the State Surgeon General to notify the Governor of the providers that are eligible to receive the award; limiting the duration of the award; authorizing an award-winning cancer provider to use the designation in its advertising and marketing; providing that an award-winning cancer provider is granted preference in competitive cancer care solicitations for a specified period of time; requiring the State Surgeon General to report to the Legislature by a specified date, and annually thereafter, the status of implementing the award program; requiring the Department of Health to adopt rules related to the application cycles and submission of the application forms; amending s. 215.5602, F.S.; revising the responsibilities of the Biomedical Research Advisory Council with regard to the Cancer Center of Excellence Award program; amending s. 381.922, F.S.; authorizing endowments under the William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Program for establishing funded research chairs at integrated research and care institutions contingent upon an appropriation; providing procedures if the endowed chair becomes vacant; requiring that research institutions report certain information regarding the selected research chair of the endowment and other information about the endowment; providing for qualifications of the chair; specifying the use of the funds in the endowment; amending s. 1004.435, F.S.; revising the responsibilities of the Florida Cancer Control and Research Advisory Council with regard to the Cancer Center of Excellence Award program; providing an effective date.

—was read the second time by title.

Representative Hudson offered the following:

(Amendment Bar Code: 677843)

**Amendment 1 (with title amendment)**—Remove everything after the enacting clause and insert:

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#### TITLE AMENDMENT

Remove everything before the enacting clause and insert:

Rep. Hudson moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

**CS for CS for SB 878**—A bill to be entitled An act relating to education accountability; amending s. 1002.22, F.S.; requiring the State Board of Education to notify the Legislature of any major changes in federal law which may affect the state's K-20 education performance accountability system; amending s. 1004.015, F.S.; providing that one of the purposes of the Higher Education Coordinating Council is to facilitate solutions to data issues identified by the Articulation Coordinating Committee to improve the K-20 education performance accountability system; revising the guiding principles for recommendations of the Higher Education Coordinating Council; amending s. 1005.22, F.S.; revising the duties of the Commission for Independent Education with regard to collecting and distributing current data regarding institutions licensed by the commission; providing reporting requirements; requiring the commission to annually report the data to the department by a specified date; amending s. 1007.01, F.S.; requiring the Articulation Coordinating Committee to make recommendations related to statewide policies and issues regarding access, quality, and reporting of data maintained by the K-20 data warehouse; revising the committee's duties related to collecting and reporting of statewide education data; amending s. 1008.31, F.S.; requiring the Board of Governors to make available to the Department of Education all data within the State University Database System which is to be integrated into the K-20 data warehouse; requiring the Commissioner of Education to have access to certain data for the added purpose of providing data to organizations and certain authorized representatives; requiring all public educational institutions to annually provide data from the prior year to the K-20 data warehouse in a format based on data elements identified by the commissioner; requiring colleges and universities eligible to participate in the William L. Boyd, IV, Florida Resident Access Grant Program to report current data from the prior year for each student who receives state funds in a format prescribed by the Department of Education; providing reporting requirements; requiring these colleges and universities to annually report the data to the department by a specified date; requiring the commissioner to collaborate with the Department of Economic Opportunity to develop procedures for the ability to tie student-level data to student and workforce outcome data; deleting a provision that requires the commissioner to prepare a report that assists the school districts in eliminating or consolidating paperwork, data, and reports by providing suggestions, technical assistance, and guidance; requiring the commissioner to improve and streamline by a specified date access to data maintained by the K-20 data warehouse by creating and fully implementing a web-based interface and a self-service, restricted access component of the K-20 data warehouse called the "Research Engine"; providing requirements for the Research Engine; providing requirements for a written agreement to access the Research Engine; providing termination of data access privileges and an administrative penalty for violating the written agreement; requiring the adoption of rules and procedures; deleting a provision that requires the commissioner to use existing data being collected to reduce duplication and minimize paperwork; requiring the Department of Education to share data with organizations and authorized representatives pursuant to the studies and audit and evaluation exceptions under the Family Educational Rights and

Privacy Act; amending s. 1008.34, F.S.; revising provisions relating to schools that are assigned school grades, including collocated schools; amending s. 1008.341, F.S.; revising provisions relating to alternative schools that are assigned a school improvement rating; revising the student data used in determining an alternative school's school improvement rating; providing requirements for the content and distribution of student report cards for alternative schools; amending s. 1008.385, F.S.; requiring the commissioner to provide information relating to master school identification numbers for purposes of the comprehensive management information system; providing an effective date.

—was read the second time by title.

Representative Fresen offered the following:

(Amendment Bar Code: 676895)

**Amendment 1 (with title amendment)**—Remove everything after the enacting clause and insert:

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#### TITLE AMENDMENT

Remove everything before the enacting clause and insert:

Rep. Fresen moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

**CS for CS for SB 1720**—A bill to be entitled An act relating to education; amending s. 11.45, F.S.; revising actions to be taken by the Legislative Auditing Committee relating to audits of state universities and Florida College System institutions; amending s. 1001.02, F.S.; requiring the State Board of Education to specify the college credit courses that may be taken by Florida College System institution students who are concurrently participating in developmental education; requiring the State Board of Education to establish the tuition and out-of-state fees for certain credit instruction, rather than college-preparatory instruction; revising the minimum standards, definitions, and guidelines that the State Board of Education must prescribe by rule for Florida College System institutions; amending s. 1001.64, F.S.; authorizing a board of trustees at a Florida College System institution to contract with the board of trustees of a state university for the Florida College System institution to provide developmental education; amending s. 1004.02, F.S.; defining the term "developmental education" as it relates to public postsecondary education; amending s. 1004.43, F.S.; transferring oversight of the H. Lee Moffitt Cancer Center and Research Institute to the Board of Trustees of the University of South Florida; requiring the Board of Trustees to enter into a lease agreement for use of certain land and facilities; providing for the terms of the lease; requiring the University of South Florida and the Florida not-for-profit corporation that governs and operates the H. Lee Moffitt Cancer Center and Research Institute to enter into an agreement to review construction plans and specifications for consistency of certain criteria; revising the membership of the board of directors for the not-for-profit corporation; deleting the requirement that the Board of Governors provide for certain approvals of the articles of incorporation of the not-for-profit corporation and use of land and facilities for certain purposes; requiring the not-for-profit corporation to cause to be prepared annual financial audits; requiring the not-for-profit corporation to provide equal employment opportunities; providing for the governance and operation of the facilities if the agreement between the not-for-profit corporation and the Board of Trustees of the University of South Florida, rather than the Board of Governors, is terminated; requiring the chief executive officer to report annually to the Board of Governors on the educational activities of the not-for-profit corporation; providing for the creation and duties of an external advisory board; repealing s. 1004.58, F.S., relating to the Leadership Board for Applied Research and Public Service; amending s. 1004.93, F.S.; deleting

provisions relating to the levels and courses of instruction to be funded through the college-preparatory program; amending s. 1007.23, F.S.; revising the number of semester hours in which a student who is seeking an associate in arts degree is required to indicate a baccalaureate degree program; amending s. 1007.25, F.S.; revising general education courses, common prerequisites, and degree requirements; conforming terminology to changes made by the act; amending s. 1007.263, F.S.; revising the rules that the board of trustees of a Florida College System institution may adopt with regard to admissions counseling; requiring each board of trustees to establish policies that notify students about options they may use to attain the communication and computation skills that are essential to perform college-level work; deleting a prohibition against a student's enrollment in credit courses under certain circumstances; amending s. 1007.271, F.S.; conforming provisions to changes made by the act; creating s. 1008.02, F.S.; providing definitions for the purpose of ch. 1008, F.S., relating to assessment and accountability for the K-20 education system; amending s. 1008.30, F.S.; providing that alternative assessments that may be accepted in lieu of the common placement test must be identified in rule; requiring the State Board of Education, in conjunction with the Board of Governors, to approve a series of meta-majors, academic pathways, and degree maps that identify the gateway courses required for success in each meta-major; providing requirements for the common placement testing program; requiring the State Board of Education to adopt rules that require high schools to evaluate certain students for college readiness; requiring the State Board of Education to establish by rule the test scores a student must achieve to demonstrate readiness to perform college-level work; deleting provisions to conform to changes made by the act; conforming terminology; requiring the State Board of Education to adopt rules by a specified date to implement developmental education; requiring local policies and practices set by each Florida College System institution board of trustees to outline the student achievements considered by the institution for placement determinations, identify instructional options available to students, and describe student costs and financial aid opportunities associated with each instructional option; creating s. 1008.322, F.S.; requiring the Board of Governors of the State University System to oversee the performance of state university boards of trustees in the enforcement of laws, rules, and regulations; providing that state university presidents are responsible for the accuracy of the information and data reported to the Board of Governors; authorizing the Chancellor of the State University System to investigate allegations of noncompliance with law or Board of Governors' rule or regulation and determine probable cause; requiring the chancellor to report determinations of probable cause to the Board of Governors; authorizing the Board of Governors to initiate specified actions if the board determines that the state university board of trustees is unwilling or unable to comply with the law, certain rules or regulations, or audit recommendations; amending ss. 1008.37, 1009.22, and 1009.23, F.S.; conforming provisions to changes made by the act; repealing s. 1009.28, F.S., relating to fees for repeated enrollment in college-preparatory classes; amending s. 1009.285, F.S.; requiring a student enrolled in the same undergraduate college-credit course more than once, except for students enrolled in a gateway course for an extended period of time, to pay tuition at 100 percent of the full cost of instruction; reducing the number of times certain coursework, which is excluded for the reduction of fees, is repeated for certain purposes; amending s. 1009.286, F.S.; excluding remedial courses from those courses that are counted when calculating credit hours earned toward a baccalaureate degree; amending s. 1009.40, F.S.; providing that undergraduate students participating in developmental education are eligible to receive financial aid for a specified number of semesters or quarters; conforming provisions to changes made by the act; amending s. 1009.53, F.S.; conforming terminology to changes made by the act; repealing s. 1009.531(7), F.S., relating to the eligibility of a student for an initial reward or renewal reward under the Florida Bright Futures Scholarship Program; amending s. 1011.84, F.S.; conforming provisions to changes made by the act; providing a directive to the Division of Law Revision and Information; providing an effective date.

—was read the second time by title.

Representative Fresen offered the following:

(Amendment Bar Code: 348659)

**Amendment 1 (with title amendment)**—Remove everything after the enacting clause and insert:

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**TITLE AMENDMENT**

Remove everything before the enacting clause and insert:

Rep. Fresen moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

**CS for CS for SB 1076**—A bill to be entitled An act relating to K-20 education; amending s. 1000.03, F.S.; providing for comprehensive K-20 career and education planning; amending s. 1000.21, F.S.; providing that Next Generation Sunshine State Standards include specified common core standards; amending s. 1001.42, F.S.; authorizing a district school board to appoint a governing board for a school district technical center; providing governing board membership and responsibilities; amending s. 1002.3105, F.S.; providing additional academically challenging curriculum options; amending s. 1002.33, F.S.; conforming provisions; amending s. 1002.37, F.S.; revising funding for the Florida Virtual School based on student completion of end-of-course assessments; repealing s. 1002.375, F.S., relating to an alternative credit for high school courses pilot project; amending s. 1002.45, F.S.; revising funding for virtual instruction programs based on student completion of end-of-course assessments; amending s. 1003.02, F.S.; conforming provisions; amending s. 1003.03, F.S.; revising implementation options to meet class size requirements; amending s. 1003.41, F.S.; revising requirements for the Next Generation Sunshine State Standards; repealing s. 1003.413, F.S., relating to the Florida Secondary School Redesign Act; amending s. 1003.4156, F.S.; revising middle grades promotion requirements; conforming provisions relating to the statewide, standardized assessment program; revising career and education planning course content; revising remediation strategies; amending s. 1003.4203, F.S.; requiring the availability of digital materials in prekindergarten through grade 12; providing for digital recognition and certificate programs; amending s. 1003.428, F.S.; including financial literacy within the economics course required for high school graduation; conforming provisions; amending s. 1003.4281, F.S.; conforming provisions; creating s. 1003.4282, F.S.; providing requirements for a standard high school diploma; establishing a 24-credit requirement; providing for a standard college and career high school diploma and course and assessment requirements; providing requirements relating to online courses, remediation, grade forgiveness, award of a standard high school diploma, transfer of high school credits, and career education courses that earn high school credits; requiring the State Board of Education to adopt rules; amending s. 1003.4285, F.S.; revising standard high school diploma designations; providing for a scholar designation, an industry designation, or a waiver designation on the diploma; creating s. 1003.4286, F.S.; providing for the award of a standard high school diploma to honorably discharged veterans pursuant to rule; repealing s. 1003.429, F.S., relating to accelerated high school graduation options; amending s. 1003.4295, F.S.; conforming provisions; repealing s. 1003.43, F.S., relating to general requirements for high school graduation; amending s. 1003.433, F.S.; conforming provisions; amending s. 1003.435, F.S.; deleting a rulemaking requirement relating to high school equivalency diplomas; amending s. 1003.436, F.S.; providing a reference to the Credit Acceleration Program for purposes of defining the term "credit"; amending ss. 1003.438, 1003.491, 1003.4935, 1003.51, 1003.621, and 1004.935, F.S.; conforming provisions; amending s. 1007.271, F.S.; authorizing career dual enrollment students to earn industry certifications for credit toward high school graduation; amending s. 1008.22, F.S.; substantially rewording the student assessment program for public schools; providing requirements for a

statewide, standardized assessment program aligned to core curricular content in the Next Generation Sunshine State Standards; providing requirements for end-of-course assessments; providing requirements for instruction for students with disabilities; providing for transition to common core assessments in English Language Arts and mathematics; providing requirements for assessment scores, achievement levels, assessment schedules, and reporting of assessment results; providing prohibited and authorized assessment-preparation activities; authorizing contracts for assessments; requiring analysis of data, administration of local assessments, and identification of concordant and comparative scores; requiring annual reporting of student performance data; requiring the state board to adopt rules; amending s. 1008.25, F.S.; providing for instructional sequencing of courses, including industry certifications; conforming provisions relating to student assessment, remediation, retention, and progression; deleting unfunded and inactive programs and reporting requirements; revising school district reporting requirements; amending ss. 1008.30 and 1008.34, F.S.; conforming provisions; creating s. 1008.44, F.S.; providing requirements for industry certifications, an industry certification funding list, and a postsecondary industry certification funding list for distribution of funding to school districts and Florida College System institutions; amending s. 1011.61, F.S.; revising provisions relating to funding for students in virtual instruction programs, the Florida Virtual School, and regular instructional programs based on student completion of end-of-course assessments; amending s. 1011.62, F.S.; revising provisions relating to bonuses awarded to teachers providing advanced placement instruction; revising the calculation of additional full-time equivalent membership based on completion of career-themed courses and issuance of industry certification; providing for teacher bonuses related to industry certification instruction; providing for certain recognitions and performance payments to schools in which students earn digital competency certificates; amending ss. 1012.22 and 1012.56, F.S.; conforming provisions; amending s. 1012.98, F.S.; revising requirements for professional development systems developed by school districts; providing that students participating in an accelerated high school graduation option may continue participation; providing a directive to the Division of Law Revision and Information; amending s. 1001.706, F.S.; requiring the strategic plan of the Board of Governors to include criteria for designating high-demand degree programs of emphasis; creating s. 1001.7065, F.S.; creating the preeminent state research universities program; establishing a collaborative partnership between the Board of Governors and the Legislature to elevate the academic and research preeminence of the highest-performing state research universities; establishing academic and research excellence standards for a university to be designated a preeminent state research university; providing for a preeminent state research university to establish an institute for online learning; directing the Board of Governors to convene an advisory board; providing duties and responsibilities of the advisory board, the university, and the Board of Governors to provide high-quality, fully online baccalaureate degree programs, including establishment of a tuition structure for the institute; providing for the award of funding to preeminent state research universities based upon performance; authorizing a preeminent state research university to establish special course requirements; providing for preeminent state research university flexibility; encouraging the Board of Governors to promote additional programs of excellence; amending s. 1004.02, F.S.; revising definitions relating to adult general education and instruction to attain academic and workforce readiness skills; creating s. 1004.082, F.S.; providing for support for talent retention programs for certain middle school and high school students; amending s. 1004.91, F.S.; revising requirements for basic skills instruction for career education programs; amending s. 1004.93, F.S.; requiring certain adult education students to complete action-steps-to-employment; amending s. 1006.735, F.S.; establishing the Complete Florida Degree Program and providing requirements for its implementation; amending s. 1007.263, F.S.; conforming provisions; amending s. 1008.37, F.S.; conforming provisions; amending s. 1009.22, F.S.; revising provisions relating to fees for students in adult education programs; amending s. 1009.25, F.S.; revising provisions relating to fee exemptions; amending s. 1009.26, F.S.; providing for fee waivers for certain baccalaureate degree programs; amending s. 1009.531, F.S.; deleting an eligibility requirement for a Florida Bright Futures Scholarship Program

award; amending s. 1011.80, F.S.; revising provisions relating to the basis for funding workforce education programs; providing requirements for performance funding for industry certifications for school district workforce education programs; revising provisions relating to funding for coenrolled students; amending s. 1011.81, F.S.; providing requirements for performance funding for industry certifications for Florida College System institutions; providing for performance funding based on accountability metrics; amending s. 1011.905, F.S.; revising the formula upon which performance funding for state universities is based and awarded; requiring the State Board of Education and the Board of Governors to provide recommendations to the Legislature by a specified date; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

**CS for SB 406**—A bill to be entitled An act relating to economic development; establishing the Economic Development Programs Evaluation; requiring the Office of Economic and Demographic Research and the Office of Program Policy Analysis and Government Accountability to present the evaluation; requiring the offices to develop and submit a work plan for completing the evaluation by a certain date; requiring the offices to provide an analysis of certain economic development programs and specifying a schedule; requiring the Office of Economic and Demographic Research to make certain evaluations in its analysis; limiting the office's evaluation for the purposes of tax credits, tax refunds, sales tax exemptions, cash grants, and similar programs; requiring the office to use a certain model to evaluate each program; requiring the Office of Program Policy Analysis and Government Accountability to make certain evaluations in its analysis; providing the offices access to all data necessary to complete the evaluation; amending s. 20.60, F.S.; revising the date on which the Department of Economic Opportunity and Enterprise Florida, Inc., are required to report on the business climate and economic development in the state; specifying reports and information that must be included; amending s. 212.08, F.S.; revising definitions; clarifying the application of certain amendments; amending s. 213.053, F.S.; authorizing the Department of Revenue to make certain information available to the director of the Office of Program Policy Analysis and Government Accountability and the coordinator of the Office of Economic and Demographic Research; authorizing the offices to share certain information; amending s. 220.194, F.S.; requiring the annual report for the Florida Space Business Incentives Act to be included in the annual incentives report; deleting certain reporting requirements; amending s. 288.005, F.S.; providing a definition; amending s. 288.012, F.S.; requiring each State of Florida international office to submit a report to Enterprise Florida, Inc., for inclusion in its annual report; deleting a reporting date; amending s. 288.061, F.S.; requiring the Department of Economic Opportunity to analyze each economic development incentive application; prohibiting the executive director from approving an economic development incentive application unless a specified written declaration is received; amending s. 288.0656, F.S.; requiring the Rural Economic Development Initiative to submit a report to supplement the Department of Economic Opportunity's annual report; deleting certain reporting requirements; creating s. 288.076, F.S.; providing definitions; requiring the department to publish on a website specified information concerning state investment in economic development programs; requiring the department to use methodology and formulas established by the Office of Economic and Demographic Research for specified calculations; requiring the Office of Economic and Demographic Research to provide a description of specified methodology and formulas to the department and requiring the department to publish this description on its website within a specified period; providing procedures and requirements for reviewing, updating, and supplementing specified published information; requiring the department to annually publish information relating to the progress of Quick Action Closing Fund projects; requiring the department to publish certain confidential information pertaining to participant businesses upon expiration of a specified confidentiality period; requiring the department to publish certain reports concerning businesses that fail to complete tax refund agreements under the tax refund program for qualified target industry businesses; providing for construction and legislative intent;

authorizing the department to adopt rules; repealing s. 288.095(3)(c), F.S., relating to the annual report by Enterprise Florida, Inc., of programs funded by the Economic Development Incentives Account; amending s. 288.106, F.S.; deleting and adding provisions relating to the application and approval process of the tax refund program for qualified target industry businesses; requiring the Department of Economic Opportunity to include information on qualified target industry businesses in the annual incentives report; deleting certain reporting requirements; amending s. 288.107, F.S.; revising definitions; revising provisions to conform to changes made by the act; revising the minimum criteria for participation in the brownfield redevelopment bonus refund; amending s. 288.1081, F.S.; requiring the use of loan funds from the Economic Gardening Business Loan Pilot Program to be included in the department's annual report; deleting certain reporting requirements; amending s. 288.1082, F.S.; requiring the progress of the Economic Gardening Technical Assistance Pilot Program to be included in the department's annual report; deleting certain reporting requirements; amending s. 288.1088, F.S.; requiring the department to validate contractor performance for the Quick Action Closing Fund and include the performance validation in the annual incentives report; deleting certain reporting requirements; amending s. 288.1089, F.S.; requiring that certain projects in the Innovation Incentive Program provide a cumulative break-even economic benefit; requiring the department to report information relating to the Innovation Incentive Program in the annual incentives report; deleting certain reporting requirements; deleting provisions that require the Office of Program Policy Analysis and Government Accountability and the Auditor General's Office to report on the Innovation Incentive Program; amending s. 288.1253, F.S.; revising a reporting date; requiring expenditures of the Office of Film and Entertainment to be included in the annual entertainment industry financial incentive program report; amending s. 288.1254, F.S.; revising a reporting date; requiring the annual entertainment industry financial incentive program report to include certain information; amending s. 288.1258, F.S.; revising a reporting date; requiring the report detailing the relationship between tax exemptions and incentives to industry growth to be included in the annual entertainment industry financial incentive program report; amending s. 288.714, F.S.; requiring the Department of Economic Opportunity's annual report to include a report on the Black Business Loan Program; deleting certain reporting requirements; amending s. 288.7771, F.S.; requiring the Florida Export Finance Corporation to submit a report to Enterprise Florida, Inc.; amending s. 288.903, F.S.; requiring Enterprise Florida, Inc., with the Department of Economic Opportunity, to prepare an annual incentives report; repealing s. 288.904(6), F.S., relating to Enterprise Florida, Inc., which requires the department to report the return on the public's investment; amending s. 288.906, F.S.; requiring certain reports to be included in the Enterprise Florida, Inc., annual report; amending s. 288.907, F.S.; requiring Enterprise Florida, Inc., with the Department of Economic Opportunity, to prepare the annual incentives report; requiring the annual incentives report to include certain information; deleting a provision requiring the Division of Strategic Business Development to assist Enterprise Florida, Inc., with the report; amending s. 288.92, F.S.; requiring each division of Enterprise Florida, Inc., to submit a report; amending s. 288.95155, F.S.; requiring the financial status of the Florida Small Business Technology Growth Program to be included in the annual incentives report; amending s. 290.0056, F.S.; revising a reporting date; requiring the enterprise zone development agency to submit certain information for the Department of Economic Opportunity's annual report; amending s. 290.014, F.S.; revising a reporting date; requiring certain reports on enterprise zones to be included in the Department of Economic Opportunity's annual report; amending s. 331.3051, F.S.; revising a reporting date; requiring Space Florida's annual report to include certain information; amending s. 331.310, F.S.; requiring the Board of Directors of Space Florida to supplement Space Florida's annual report with operations information; deleting certain reporting requirements; amending s. 446.50, F.S.; requiring the Department of Economic Opportunity's annual report to include a plan for the displaced homemaker program; deleting certain reporting requirements; providing an effective date.

—was read the second time by title.



Representative Workman offered the following:

(Amendment Bar Code: 128631)

**Amendment 1 (with title amendment)**—Remove everything after the enacting clause and insert:

Section 1. Paragraph (c) of subsection (2) of section 210.20, Florida Statutes, is amended to read:

210.20 Employees and assistants; distribution of funds.—

(2) As collections are received by the division from such cigarette taxes, it shall pay the same into a trust fund in the State Treasury designated "Cigarette Tax Collection Trust Fund" which shall be paid and distributed as follows:

(c) Beginning July 1, 2013, and continuing through June 30, 2033 ~~2024~~, the division shall from month to month certify to the Chief Financial Officer the amount derived from the cigarette tax imposed by s. 210.02, less the service charges provided for in s. 215.20 and less 0.9 percent of the amount derived from the cigarette tax imposed by s. 210.02, which shall be deposited into the Alcoholic Beverage and Tobacco Trust Fund, specifying an amount equal to 1 percent of the net collections, and that amount shall be deposited into the Biomedical Research Trust Fund in the Department of Health. These funds are appropriated annually in an amount not to exceed \$3 million from the Biomedical Research Trust Fund for the Department of Health and the Sanford-Burnham Medical Research Institute to work in conjunction for the purpose of establishing activities and grant opportunities in relation to biomedical research.

Section 2. Paragraphs (ee) and (rr) of subsection (7) of section 212.08, Florida Statutes, are amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any entity by this chapter do not inure to any transaction that is otherwise taxable under this chapter when payment is made by a representative or employee of the entity by any means, including, but not limited to, cash, check, or credit card, even when that representative or employee is subsequently reimbursed by the entity. In addition, exemptions provided to any entity by this subsection do not inure to any transaction that is otherwise taxable under this chapter unless the entity has obtained a sales tax exemption certificate from the department or the entity obtains or provides other documentation as required by the department. Eligible purchases or leases made with such a certificate must be in strict compliance with this subsection and departmental rules, and any person who makes an exempt purchase with a certificate that is not in strict compliance with this subsection and the rules is liable for and shall pay the tax. The department may adopt rules to administer this subsection.

(ee) Aircraft repair and maintenance labor charges.—~~There shall be exempt from the tax imposed by this chapter~~ All labor charges for the repair and maintenance of qualified aircraft and, aircraft of more than 2,000 pounds maximum certified takeoff weight, including ~~and~~ rotary wing aircraft, are exempt from the tax imposed under this chapter of more than 10,000 pounds maximum certified takeoff weight. Except as otherwise provided in this chapter, charges for parts and equipment furnished in connection with such labor charges are taxable.

(rr) Equipment used in aircraft repair and maintenance.—~~There shall be exempt from the tax imposed by this chapter~~ Replacement engines, parts, and equipment used in the repair or maintenance of qualified aircraft and, aircraft of more than 2,000 pounds maximum certified takeoff weight, including ~~and~~ rotary wing aircraft, are exempt from the tax imposed under this chapter if of more than 10,300 pounds maximum certified takeoff weight, when such parts or equipment are installed on such aircraft that is being repaired or maintained in this state.

Section 3. Paragraph (d) of subsection (6) of section 212.20, Florida Statutes, is amended to read:

212.20 Funds collected, disposition; additional powers of department; operational expense; refund of taxes adjudicated unconstitutionally collected.—

(6) Distribution of all proceeds under this chapter and s. 202.18(1)(b) and (2)(b) shall be as follows:

(d) The proceeds of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be distributed as follows:

1. In any fiscal year, the greater of \$500 million, minus an amount equal to 4.6 percent of the proceeds of the taxes collected pursuant to chapter 201, or 5.2 percent of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in monthly installments into the General Revenue Fund.

2. After the distribution under subparagraph 1., 8.814 percent of the amount remitted by a sales tax dealer located within a participating county pursuant to s. 218.61 shall be transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund. Beginning July 1, 2003, the amount to be transferred shall be reduced by 0.1 percent, and the department shall distribute this amount to the Public Employees Relations Commission Trust Fund less \$5,000 each month, which shall be added to the amount calculated in subparagraph 3. and distributed accordingly.

3. After the distribution under subparagraphs 1. and 2., 0.095 percent shall be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund and distributed pursuant to s. 218.65.

4. After the distributions under subparagraphs 1., 2., and 3., 2.0440 percent of the available proceeds shall be transferred monthly to the Revenue Sharing Trust Fund for Counties pursuant to s. 218.215.

5. After the distributions under subparagraphs 1., 2., and 3., 1.3409 percent of the available proceeds shall be transferred monthly to the Revenue Sharing Trust Fund for Municipalities pursuant to s. 218.215. If the total revenue to be distributed pursuant to this subparagraph is at least as great as the amount due from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, no municipality shall receive less than the amount due from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000. If the total proceeds to be distributed are less than the amount received in combination from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, each municipality shall receive an amount proportionate to the amount it was due in state fiscal year 1999-2000.

6. Of the remaining proceeds:

a. In each fiscal year, the sum of \$29,915,500 shall be divided into as many equal parts as there are counties in the state, and one part shall be distributed to each county. The distribution among the several counties must begin each fiscal year on or before January 5th and continue monthly for a total of 4 months. If a local or special law required that any moneys accruing to a county in fiscal year 1999-2000 under the then-existing provisions of s. 550.135 be paid directly to the district school board, special district, or a municipal government, such payment must continue until the local or special law is amended or repealed. The state covenants with holders of bonds or other instruments of indebtedness issued by local governments, special districts, or district school boards before July 1, 2000, that it is not the intent of this subparagraph to adversely affect the rights of those holders or relieve local governments, special districts, or district school boards of the duty to meet their obligations as a result of previous pledges or assignments or trusts entered into which obligated funds received from the distribution to county governments under then-existing s. 550.135. This distribution specifically is in lieu of funds distributed under s. 550.135 before July 1, 2000.

b. The department shall distribute \$166,667 monthly pursuant to s. 288.1162 to each applicant certified as a facility for a new or retained professional sports franchise pursuant to s. 288.1162. Up to \$41,667 shall be distributed monthly by the department to each certified applicant as defined in s. 288.11621 for a facility for a spring training franchise. However, not more than \$416,670 may be distributed monthly in the aggregate to all certified applicants for facilities for spring training franchises. Distributions begin 60 days after such certification and continue for not more than 30 years, except as otherwise provided in s. 288.11621. A certified applicant identified in this subparagraph may not receive more in distributions than expended by the applicant for the public purposes provided for in s. 288.1162(5) or s. 288.11621(3).

c. Beginning 30 days after notice by the Department of Economic Opportunity to the Department of Revenue that an applicant has been certified as the professional golf hall of fame pursuant to s. 288.1168 and is open to the public, \$166,667 shall be distributed monthly, for up to 300 months, to the applicant.

d. Beginning 30 days after notice by the Department of Economic Opportunity to the Department of Revenue that the applicant has been certified as the International Game Fish Association World Center facility pursuant to s. 288.1169, and the facility is open to the public, \$83,333 shall be distributed monthly, for up to 168 months, to the applicant. This distribution is subject to reduction pursuant to s. 288.1169. A lump sum payment of \$999,996 shall be made, after certification and before July 1, 2000.

e. The department shall distribute up to \$55,555 monthly to each certified applicant as defined in s. 288.11631 for a facility used by a single spring training franchise, or up to \$111,110 monthly to each certified applicant as defined in s. 288.11631 for a facility used by more than one spring training franchise. Monthly distributions begin 60 days after such certification or July 1, 2016, whichever is later, and continue for not more than 30 years, except as otherwise provided in s. 288.11631. A certified applicant identified in this sub-subparagraph may not receive more in distributions than expended by the applicant for the public purposes provided in s. 288.11631(3).

7. All other proceeds must remain in the General Revenue Fund.

Section 4. Present paragraphs (d) through (h) of subsection (2) of section 288.1045, Florida Statutes, are redesignated as paragraphs (c) through (g), respectively, and present paragraph (c) of that subsection is amended to read:

288.1045 Qualified defense contractor and space flight business tax refund program.—

(2) GRANTING OF A TAX REFUND; ELIGIBLE AMOUNTS.—

~~(e) A qualified applicant may not receive more than \$7 million in tax refunds pursuant to this section in all fiscal years.~~

Section 5. Paragraph (c) of subsection (3) of section 288.106, Florida Statutes, is amended to read:

288.106 Tax refund program for qualified target industry businesses.—

(3) TAX REFUND; ELIGIBLE AMOUNTS.—

(c) A qualified target industry business may not receive refund payments of more than 25 percent of the total tax refunds specified in the tax refund agreement under subparagraph (5)(a)1. in any fiscal year. Further, a qualified target industry business may not receive more than \$1.5 million in refunds under this section in any single fiscal year, or more than \$2.5 million in any single fiscal year if the project is located in an enterprise zone. ~~A qualified target industry business may not receive more than \$7 million in refund payments under this section in all fiscal years, or more than \$7.5 million if the project is located in an enterprise zone.~~

Section 6. Section 288.11631, Florida Statutes, is created to read:

288.11631 Retention of Major League Baseball spring training baseball franchises.—

(1) DEFINITIONS.—As used in this section, the term:

(a) "Agreement" means a certified, signed lease between an applicant that applies for certification on or after July 1, 2013, and a spring training franchise for the use of a facility.

(b) "Applicant" means a unit of local government as defined in s. 218.369, including a local government located in the same county, which has partnered with a certified applicant before the effective date of this section or with an applicant for a new certification, for purposes of sharing in the responsibilities of a facility.

(c) "Certified applicant" means a facility for a spring training franchise or a unit of local government that is certified under this section.

(d) "Facility" means a spring training stadium, playing fields, and apartments intended to support spring training activities.

(e) "Local funds" and "local matching funds" mean funds provided by a county, municipality, or other local government.

(2) CERTIFICATION PROCESS.—

(a) Before certifying an applicant to receive state funding for a facility for a spring training franchise, the department must verify that:

1. The applicant is responsible for the construction or renovation of the facility for a spring training franchise or holds title to the property on which the facility for a spring training franchise is located.

2. The applicant has a certified copy of a signed agreement with a spring training franchise. The signed agreement with a spring training franchise for the use of a facility must, at a minimum, be equal to the length of the term of the bonds issued for the public purpose of constructing or renovating a facility for a spring training franchise. If no such bonds are issued for the public purpose of constructing or renovating a facility for a spring training franchise, the signed agreement with a spring training franchise for the use of a facility must be for at least 20 years. Any such agreement with a spring training franchise for the use of a facility cannot be signed more than 3 years before the expiration of any existing agreement with a spring training franchise for the use of a facility. The agreement must also require the franchise to reimburse the state for state funds expended by an applicant under this section if the franchise relocates before the agreement expires. The agreement may be contingent on an award of funds under this section and other conditions precedent.

3. The applicant has made a financial commitment to provide 50 percent or more of the funds required by an agreement for the construction or renovation of the facility for a spring training franchise. The commitment may be contingent upon an award of funds under this section and other conditions precedent.

4. The applicant demonstrates that the facility for a spring training franchise will attract a paid attendance of at least 50,000 persons annually to the spring training games.

5. The facility for a spring training franchise is located in a county that levies a tourist development tax under s. 125.0104.

(b) The department shall evaluate applications for state funding of the construction or renovation of the facility for a spring training franchise. The evaluation criteria must include the following items:

1. The anticipated effect on the economy of the local community where the facility is to be constructed or renovated, including projections on paid attendance, local and state tax collections generated by spring training games, and direct and indirect job creation resulting from the spring training activities.

2. The amount of the local matching funds committed to a facility relative to the amount of state funding sought.

3. The potential for the facility to be used as a multiple purpose, year-round facility.

4. The intended use of the funds by the applicant.

5. The length of time that a spring training franchise has been under an agreement to conduct spring training activities within an applicant's geographic location or jurisdiction.

6. The length of time that an applicant's facility has been used by one or more spring training franchises, including continuous use as facilities for spring training.

7. The term remaining on a lease between an applicant and a spring training franchise for a facility.

8. The length of time that a spring training franchise agrees to use an applicant's facility if an application is granted under this section.

9. The location of the facility in a brownfield, an enterprise zone, a community redevelopment area, or other area of targeted development or revitalization included in an urban infill redevelopment plan.

(c) Each applicant certified on or after July 1, 2013, shall enter into an agreement with the department which:

1. Specifies the amount of the state incentive funding to be distributed. The amount of state incentive funding per certified applicant may not exceed \$20 million. However, if a certified applicant has more than one spring training franchise, the maximum amount may not exceed \$40 million.

2. States the criteria that the certified applicant must meet in order to remain certified. These criteria must include a provision stating that the spring training franchise must reimburse the state for any funds received if the franchise does not comply with the terms of the contract.

3. States that the certified applicant is subject to decertification if the certified applicant fails to comply with this section or the agreement.

4. States that the department may recover state incentive funds if the certified applicant is decertified.

5. Specifies the information that the certified applicant must report to the department.

6. Includes any provision deemed prudent by the department.

(3) USE OF FUNDS.—

(a) A certified applicant may use funds provided under s. 212.20(6)(d)6.e. only to:

1. Serve the public purpose of constructing or renovating a facility for a spring training franchise.

2. Pay or pledge for the payment of debt service on, or to fund debt service reserve funds, arbitrage rebate obligations, or other amounts payable with respect thereto, bonds issued for the construction or renovation of such facility, or for the reimbursement of such costs or the refinancing of bonds issued for such purposes.

(b) State funds awarded to a certified applicant for a facility for a spring training franchise may not be used to subsidize facilities that are privately owned by, maintained by, and used exclusively by a spring training franchise.

(c) The Department of Revenue may not distribute funds under 212.20(6)(d)6.e. until July 1, 2016. Further, the Department of Revenue may not distribute funds to an applicant certified on or after July 1, 2013, until it receives notice from the department that:

1. The certified applicant has encumbered funds under either subparagraph (a)1. or 2.; and

2. If applicable, any existing agreement with a spring training franchise for the use of a facility has expired.

(d)1. All certified applicants shall place unexpended state funds received pursuant to s. 212.20(6)(d)6.e. in a trust fund or separate account for use only as authorized in this section.

2. A certified applicant may request that the Department of Revenue suspend further distributions of state funds made available under s. 212.20(6)(d)6.e. for 12 months after expiration of an existing agreement with a spring training franchise to provide the certified applicant with an opportunity to enter into a new agreement with a spring training franchise, at which time the distributions shall resume.

3. The expenditure of state funds distributed to an applicant certified after July 1, 2013, must begin within 48 months after the initial receipt of the state funds. In addition, the construction or renovation of a spring training facility must be completed within 24 months after the project's commencement.

(4) ANNUAL REPORTS.—

(a) On or before September 1 of each year, a certified applicant shall submit to the department a report that includes, but is not limited to:

1. A detailed accounting of all local and state funds expended to date on the project financed under this section.

2. A copy of the contract between the certified local governmental entity and the spring training franchise.

3. A cost-benefit analysis of the team's impact on the community.

4. Evidence that the certified applicant continues to meet the criteria in effect when the applicant was certified.

(b) The department shall compile the information received from each certified applicant and publish the information annually by November 1.

(5) DECERTIFICATION.—

(a) The department shall decertify a certified applicant upon the request of the certified applicant.

(b) The department shall decertify a certified applicant if the certified applicant does not:

1. Have a valid agreement with a spring training franchise; or

2. Satisfy its commitment to provide local matching funds to the facility.

However, decertification proceedings against a local government certified after July 1, 2013, shall be delayed until 12 months after the expiration of the local government's existing agreement with a spring training franchise, and without a new agreement being signed, if the certified local government can demonstrate to the department that it is in active negotiations with a major league spring training franchise, other than the franchise that was the basis for the original certification.

(c) A certified applicant has 60 days after it receives a notice of intent to decertify from the department to petition for review of the decertification. Within 45 days after receipt of the request for review, the department must notify a certified applicant of the outcome of the review.

(d) The department shall notify the Department of Revenue that a certified applicant has been decertified within 10 days after the order of decertification

becomes final. The Department of Revenue shall immediately stop the payment of any funds under this section which were not encumbered by the certified applicant under subparagraph (3)(a)2.

(e) The department shall order a decertified applicant to repay all of the unencumbered state funds that the applicant received under this section and any interest that accrued on those funds. The repayment must be made within 60 days after the decertification order becomes final. These funds shall be deposited into the General Revenue Fund.

(f) A local government as defined in s. 218.369 may not be decertified by the department if it has paid or pledged for the payment of debt service on, or to fund debt service reserve funds, arbitrage rebate obligations, or other amounts payable with respect thereto, bonds issued for the construction or renovation of the facility for which the local government was certified, or for the reimbursement of such costs or the refinancing of bonds issued for the construction or renovation of the facility for which the local government was certified, or for the reimbursement of such costs or the refinancing of bonds issued for such purpose. This subsection does not preclude or restrict the ability of a certified local government to refinance, refund, or defease such bonds.

(6) RULEMAKING.—The department shall adopt rules to implement the certification, decertification, and decertification review processes required by this section.

(7) AUDITS.—The Auditor General may conduct audits as provided in s. 11.45 to verify that the distributions under this section are expended as required in this section. If the Auditor General determines that the distributions under this section are not expended as required by this section, the Auditor General shall notify the Department of Revenue, which may pursue recovery of the funds under the laws and rules governing the assessment of taxes.

Section 7. Paragraph (c) of subsection (3) of section 288.9914, Florida Statutes, is amended to read:

288.9914 Certification of qualified investments; investment issuance reporting.—

(3) REVIEW.—

(c) The department may not approve a cumulative amount of qualified investments that may result in the claim of more than \$178.8 ~~\$163.8~~ million in tax credits during the existence of the program or more than \$36.6 ~~\$33.6~~ million in tax credits in a single state fiscal year. However, the potential for a taxpayer to carry forward an unused tax credit may not be considered in calculating the annual limit.

Section 8. Effective upon this act becoming a law:

(1) The tax levied under chapter 212, Florida Statutes, may not be collected during the period from 12:01 a.m. on August 2, 2013, through 11:59 p.m. on August 4, 2013, on the sale of:

(a) Clothing, wallets, or bags, including handbags, backpacks, fanny packs, and diaper bags, but excluding briefcases, suitcases, and other garment bags, having a sales price of \$75 or less per item. As used in this paragraph, the term "clothing" means:

1. Any article of wearing apparel intended to be worn on or about the human body, excluding watches, watchbands, jewelry, umbrellas, and handkerchiefs; and

2. All footwear, excluding skis, swim fins, roller blades, and skates.

(b) School supplies having a sales price of \$15 or less per item. As used in this paragraph, the term "school supplies" means pens, pencils, erasers, crayons, notebooks, notebook filler paper, legal pads, binders, lunch boxes, construction paper, markers, folders, poster board, composition books, poster paper, scissors, cellophane tape, glue or paste, rulers, computer disks, protractors, compasses, and calculators.

(c) Personal computers and related accessories with a sales price of \$750 or less, purchased for noncommercial home or personal use. The term "personal computer" means an electronic device that accepts information in digital or similar form and manipulates such information for a result based on a sequence of instructions. The term includes any electronic book reader, laptop, desktop, handheld, tablet, or tower computer but does not include cellular telephones, video game consoles, digital media receivers, or devices that are not primarily designed to process data. The term "related accessories" includes keyboards, mice, personal digital assistants, monitors, other

peripheral devices, modems, routers, and nonrecreational software, regardless of whether the accessories are used in association with a personal computer base unit; however, the term does not include furniture or systems, devices, software, or peripherals that are designed or intended primarily for recreational use. The term "monitor" does not include a device that includes a television tuner.

(2) The tax exemptions provided in this section do not apply to sales within a theme park or entertainment complex as defined in s. 509.013(9), Florida Statutes, within a public lodging establishment as defined in s. 509.013(4), Florida Statutes, or within an airport as defined in s. 330.27(2), Florida Statutes.

(3) The Department of Revenue may, and all conditions are deemed met to, adopt emergency rules pursuant to ss. 120.536(1) and 120.54, Florida Statutes, to administer this section.

Section 9. For the 2012-2013 fiscal year, the sum of \$235,695 in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Revenue for the purpose of administering section 8 of this act. Funds remaining unexpended or unencumbered from this appropriation as of June 30, 2013, shall revert and be reappropriated for the same purpose in the 2013-2014 fiscal year.

Section 10. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2013.

#### TITLE AMENDMENT

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to economic development; amending s. 210.20, F.S.; revising the length of time that certain cigarette tax collections are dedicated as a funding source for the Department of Health to establish activities and grant opportunities in conjunction with the Sanford-Burnham Medical Research Institute for purposes relating to biomedical research; amending s. 212.08, F.S., relating to exemptions from the sales, rental, use, consumption, distribution, and storage tax; establishing a lower takeoff weight threshold for rotary wing aircraft qualifying for certain tax exemptions; amending s. 212.20, F.S.; requiring the Department of Revenue to distribute a specified amount of money to certain applicants if a spring training franchise uses the applicant's facility; specifying time periods and limitations on distributions; amending ss. 288.1045 and 288.106, F.S.; deleting caps on tax refunds for qualified defense contractors and space flight businesses and for qualified target industry businesses; creating s. 288.11631, F.S.; providing definitions; establishing a certification process to retain spring training baseball franchises; authorizing and prohibiting certain uses of the awarded funds; requiring a certified applicant to submit an annual report and requiring the Department of Economic Opportunity to publish such information; providing for decertification of a certified applicant; requiring the department to adopt rules; authorizing the Auditor General to conduct audits; amending s. 288.9914, F.S.; revising limitations on qualified investments that may be approved by the Department of Economic Opportunity under the New Markets Development Program; specifying a period during which the sale of clothing, wallets, bags, school supplies, personal computers, and personal computer-related accessories are exempt from the sales tax; providing definitions; providing exceptions; authorizing the Department of Revenue to adopt emergency rules; providing an appropriation; providing effective dates.

Rep. Workman moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

**SB 1516**—A bill to be entitled An act relating to the Internal Revenue Code; amending s. 220.03, F.S.; adopting the 2013 version of the code for the purposes of ch. 220, F.S.; amending s. 220.13, F.S.; incorporating a reference to a recent federal act into state law for the purpose of defining the term "adjusted federal income"; authorizing the executive director of the Department of Revenue to adopt emergency rules; providing for retroactive application; providing an effective date.

—was read the second time by title.

Representative Workman offered the following:

(Amendment Bar Code: 605529)

**Amendment 1 (with title amendment)**—Remove everything after the enacting clause and insert:

Section 1. Paragraph (n) of subsection (1) and paragraphs (a) and (c) of subsection (2) of section 220.03, Florida Statutes, are amended to read:

220.03 Definitions.—

(1) SPECIFIC TERMS.—When used in this code, and when not otherwise distinctly expressed or manifestly incompatible with the intent thereof, the following terms shall have the following meanings:

(n) "Internal Revenue Code" means the United States Internal Revenue Code of 1986, as amended and in effect on January 1, 2013 ~~2012~~, except as provided in subsection (3).

(2) DEFINITIONAL RULES.—When used in this code and neither otherwise distinctly expressed nor manifestly incompatible with the intent thereof:

(a) The word "corporation" or "taxpayer" shall be deemed to include the words "and its successors and assigns" as if these words, or words of similar import, were expressed;

(c) Any term used in this code shall have the same meaning as when used in a comparable context in the Internal Revenue Code and other statutes of the United States relating to federal income taxes, as such code and statutes are in effect on January 1, 2013 ~~2012~~. However, if subsection (3) is implemented, the meaning of any term shall be taken at the time the term is applied under this code.

Section 2. Paragraph (e) of subsection (1) of section 220.13, Florida Statutes, is amended to read:

220.13 "Adjusted federal income" defined.—

(1) The term "adjusted federal income" means an amount equal to the taxpayer's taxable income as defined in subsection (2), or such taxable income of more than one taxpayer as provided in s. 220.131, for the taxable year, adjusted as follows:

(e) Adjustments related to the Federal Economic Stimulus Act of 2008, the American Recovery and Reinvestment Act of 2009, the Small Business Jobs Act of 2010, ~~and~~ the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010, and the American Taxpayer Relief Act of 2012.—Taxpayers shall be required to make the adjustments prescribed in this paragraph for Florida tax purposes in relation to certain tax benefits received pursuant to the Economic Stimulus Act of 2008, the American Recovery and Reinvestment Act of 2009, the Small Business Jobs Act of 2010, ~~and~~ the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010, and the American Taxpayer Relief Act of 2012.

1. There shall be added to such taxable income an amount equal to 100 percent of any amount deducted for federal income tax purposes as bonus depreciation for the taxable year pursuant to ss. 167 and 168(k) of the Internal Revenue Code of 1986, as amended by s. 103 of Pub. L. No. 110-185, s. 1201 of Pub. L. No. 111-5, s. 2022 of Pub. L. No. 111-240, ~~and~~ s. 401 of Pub. L. No. 111-312, and s. 331 of Pub. L. No. 112-240, for property placed in service after December 31, 2007, and before January 1, 2014 ~~2013~~. For the taxable year and for each of the 6 subsequent taxable years, there shall be subtracted from such taxable income an amount equal to one-seventh of the amount by which taxable income was increased pursuant to this subparagraph, notwithstanding any sale or other disposition of the property that is the subject of the adjustments and regardless of whether such property remains in service in the hands of the taxpayer.

2. There shall be added to such taxable income an amount equal to 100 percent of any amount in excess of \$128,000 deducted for federal income tax purposes for the taxable year pursuant to s. 179 of the Internal Revenue Code of 1986, as amended by s. 102 of Pub. L. No. 110-185, s. 1202 of Pub. L. No. 111-5, s. 2021 of Pub. L. No. 111-240, ~~and~~ s. 402 of Pub. L. No. 111-312, and s. 315 of Pub. L. No. 112-240, for taxable years beginning after December 31, 2007, and before January 1, 2014 ~~2013~~. For the taxable year and for each of

the 6 subsequent taxable years, there shall be subtracted from such taxable income one-seventh of the amount by which taxable income was increased pursuant to this subparagraph, notwithstanding any sale or other disposition of the property that is the subject of the adjustments and regardless of whether such property remains in service in the hands of the taxpayer.

3. There shall be added to such taxable income an amount equal to the amount of deferred income not included in such taxable income pursuant to s. 108(i)(1) of the Internal Revenue Code of 1986, as amended by s. 1231 of Pub. L. No. 111-5. There shall be subtracted from such taxable income an amount equal to the amount of deferred income included in such taxable income pursuant to s. 108(i)(1) of the Internal Revenue Code of 1986, as amended by s. 1231 of Pub. L. No. 111-5.

4. Subtractions available under this paragraph may be transferred to the surviving or acquiring entity following a merger or acquisition and used in the same manner and with the same limitations as specified by this paragraph.

5. The additions and subtractions specified in this paragraph are intended to adjust taxable income for Florida tax purposes, and, notwithstanding any other provision of this code, such additions and subtractions shall be permitted to change a taxpayer's net operating loss for Florida tax purposes.

Section 3. (1) The executive director of the Department of Revenue is authorized, and all conditions are deemed met, to adopt emergency rules for the purpose of implementing this act.

(2) Notwithstanding any other provision of law, the emergency rules shall remain in effect for 6 months after adoption and may be renewed during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules.

Section 4. This act shall take effect upon becoming a law and operates retroactively to January 1, 2013.

#### TITLE AMENDMENT

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to corporate income tax; amending s. 220.03, F.S.; providing for the adoption of the 2013 version of the Internal Revenue Code; amending s. 220.13, F.S.; specifying the treatment by this state of certain depreciation and expensing of assets that are allowed for federal income tax purposes; authorizing the executive director of the Department of Revenue to adopt emergency rules; providing for retroactive effect; providing an effective date.

Rep. Workman moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

**SB 1512**—A bill to be entitled An act relating to clerks of court; transferring the Clerks of the Court Trust Fund from the Justice Administrative Commission to the Department of Revenue; amending s. 11.90, F.S.; providing additional duties of the Legislative Budget Commission relating to clerks of court; amending s. 28.241, F.S.; revising distribution of filing fees; revising references to trust funds; repealing s. 28.2455, F.S., relating to the transfer of trust funds in excess of the amount needed for clerk budgets; amending s. 28.246, F.S.; conforming provisions to changes made by the act; amending s. 28.35, F.S.; revising duties of the corporation; defining terms; providing requirements for annual submission of a proposed budget and related information; revising provisions concerning functions that may and may not be funded from specified sources; revising distribution of the corporation's audit report; amending s. 28.36, F.S.; specifying that only certain functions may be funded from fees, service charges, costs, and fines retained by the clerks of the court; revising provisions relating to preparation of budget requests by clerks; providing for reporting and certification of revenue deficits; providing procedures for retention of additional revenues by clerks in the event of a deficit; providing for the release of funds from a specified trust fund to relieve such a deficit in certain circumstances; providing for increases in previously authorized budgets in certain circumstances; deleting provisions relating to review of budgets and related information; creating s. 28.365, F.S.; providing that clerks of court and the Florida Clerks of Court Operations Corporation are

subject to specified procurement requirements for expenditures made pursuant to specified provisions; amending s. 28.37, F.S.; providing that a portion of all fines, fees, service charges, and costs collected by the clerks of the court that exceeds a specified portion of the clerk's annual budget be remitted to a specified trust fund; providing for remission of certain excess collections to the department for deposit into the General Revenue Fund on specified dates; providing for deposit of such funds in a specified trust fund in certain circumstances; providing for collection of certain funds by the department; amending s. 34.041, F.S.; conforming provisions to changes made by the act; revising distribution of certain fees; amending s. 142.01, F.S.; deleting provisions specifying that certain moneys are considered state funds; amending s. 213.131, F.S.; conforming provisions to changes made by the act; amending s. 215.22, F.S.; exempting certain moneys deposited in the Clerks of the Court Trust Fund from a specified deduction; specifying the authorized budget for the clerks of the circuit court and the corporation for specified periods; requiring the corporation to determine budget amounts for the individual clerks for those periods; providing an effective date.

—was read the second time by title.

Representative McBurney offered the following:

(Amendment Bar Code: 022347)

**Amendment 1 (with title amendment)**—Remove everything after the enacting clause and insert:

Section 1. The Clerks of the Court Trust Fund within the Justice Administrative Commission, FLAIR number 21-2-588, is transferred together with all balances in the fund to the Department of Revenue.

Section 2. Subsection (6) of section 11.90, Florida Statutes, is amended to read:

11.90 Legislative Budget Commission.—

(6) The commission shall have the power and duty to:

(a) Review and approve or disapprove budget amendments recommended by the Governor or the Chief Justice of the Supreme Court as provided in chapter 216.

(b) Develop the long-range financial outlook described in s. 19, Art. III of the State Constitution.

(c) Review and approve, disapprove, or amend and approve the budget of the Florida Clerks of Court Operations Corporation.

(d) Review and approve, disapprove, or amend and approve the total combined budgets of the clerks of the court or the budget of any individual clerk of the court for court-related functions.

(e) In addition to the powers and duties specified in this subsection, the commission shall Exercise all other powers and perform any other duties prescribed by the Legislature.

Section 3. Paragraph (a) of subsection (1) of section 28.241, Florida Statutes, is amended to read:

28.241 Filing fees for trial and appellate proceedings.—

(1) Filing fees are due at the time a party files a pleading to initiate a proceeding or files a pleading for relief. Reopen fees are due at the time a party files a pleading to reopen a proceeding if at least 90 days have elapsed since the filing of a final order or final judgment with the clerk. If a fee is not paid upon the filing of the pleading as required under this section, the clerk shall pursue collection of the fee pursuant to s. 28.246.

(a)1.a. Except as provided in sub-subparagraph b. and subparagraph 2., the party instituting any civil action, suit, or proceeding in the circuit court shall pay to the clerk of that court a filing fee of up to \$395 in all cases in which there are not more than five defendants and an additional filing fee of up to \$2.50 for each defendant in excess of five. Of the first \$200 ~~\$280~~ in filing fees, ~~\$80 must be remitted by the clerk to the Department of Revenue for deposit into the General Revenue Fund;~~ \$195 must be remitted to the Department of Revenue for deposit into the State Courts Revenue Trust Fund, ~~\$4 \$3.50~~ must be remitted to the Department of Revenue for deposit into the Administrative Clerks of the Court Trust Fund within the Department of Financial Services ~~Justice Administrative Commission~~ and used to fund the contract with the Florida Clerks of Court Operations Corporation created in s.

28.35, and ~~\$1 \$1.50~~ must be remitted to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services to fund audits of individual clerks' court-related expenditures ~~clerk budget reviews~~ conducted by the Department of Financial Services. By the 10th of each month, the clerk shall submit that portion of the filing fees collected in the previous month that is in excess of one-twelfth of the clerk's total budget. ~~One third of any filing fees collected by the clerk of the circuit court in excess of \$100 must be remitted to the Department of Revenue for deposit into the Clerks of the Court Trust Fund within the Justice Administrative Commission.~~

b. The party instituting any civil action, suit, or proceeding in the circuit court under chapter 39, chapter 61, chapter 741, chapter 742, chapter 747, chapter 752, or chapter 753 shall pay to the clerk of that court a filing fee of up to \$295 in all cases in which there are not more than five defendants and an additional filing fee of up to \$2.50 for each defendant in excess of five. Of the first ~~\$100 \$180~~ in filing fees, ~~\$80 must be remitted by the clerk to the Department of Revenue for deposit into the General Revenue Fund; \$95 must be remitted to the Department of Revenue for deposit into the State Courts Revenue Trust Fund, \$4 \$3.50 must be remitted to the Department of Revenue for deposit into the Administrative Clerks of the Court Trust Fund within the Department of Financial Services Justice Administrative Commission and used to fund the contract with the Florida Clerks of Court Operations Corporation created in s. 28.35, and \$1 \$1.50 must be remitted to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services to fund audits of individual clerks' court-related expenditures clerk budget reviews~~ conducted by the Department of Financial Services.

c. An additional filing fee of \$4 shall be paid to the clerk. The clerk shall remit \$3.50 to the Department of Revenue for deposit into the Court Education Trust Fund and shall remit 50 cents to the Department of Revenue for deposit into the ~~Administrative Clerks of the Court Trust Fund within the Department of Financial Services Justice Administrative Commission~~ to fund clerk education provided by the Florida Clerks of Court Operations Corporation. An additional filing fee of up to \$18 shall be paid by the party seeking each severance that is granted. The clerk may impose an additional filing fee of up to \$85 for all proceedings of garnishment, attachment, replevin, and distress. Postal charges incurred by the clerk of the circuit court in making service by certified or registered mail on defendants or other parties shall be paid by the party at whose instance service is made. Additional fees, charges, or costs may not be added to the filing fees imposed under this section, except as authorized in this section or by general law.

2.a. Notwithstanding the fees prescribed in subparagraph 1., a party instituting a civil action in circuit court relating to real property or mortgage foreclosure shall pay a graduated filing fee based on the value of the claim.

b. A party shall estimate in writing the amount in controversy of the claim upon filing the action. For purposes of this subparagraph, the value of a mortgage foreclosure action is based upon the principal due on the note secured by the mortgage, plus interest owed on the note and any moneys advanced by the lender for property taxes, insurance, and other advances secured by the mortgage, at the time of filing the foreclosure. The value shall also include the value of any tax certificates related to the property. In stating the value of a mortgage foreclosure claim, a party shall declare in writing the total value of the claim, as well as the individual elements of the value as prescribed in this sub-subparagraph.

c. In its order providing for the final disposition of the matter, the court shall identify the actual value of the claim. The clerk shall adjust the filing fee if there is a difference between the estimated amount in controversy and the actual value of the claim and collect any additional filing fee owed or provide a refund of excess filing fee paid.

d. The party shall pay a filing fee of:

(I) Three hundred and ninety-five dollars in all cases in which the value of the claim is \$50,000 or less and in which there are not more than five defendants. The party shall pay an additional filing fee of up to \$2.50 for each defendant in excess of five. Of the first ~~\$200 \$280~~ in filing fees, ~~\$195 \$275~~ must be remitted by the clerk to the Department of Revenue for deposit into the General Revenue Fund, ~~\$4 \$3.50~~ must be remitted to the Department of Revenue for deposit into the ~~Administrative Clerks of the Court~~ Trust Fund

within the ~~Department of Financial Services Justice Administrative Commission~~ and used to fund the ~~contract with the Florida Clerks of Court Operations Corporation created in s. 28.35, and \$1 \$1.50~~ must be remitted to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services to fund audits of individual clerks' court-related expenditures ~~clerk budget reviews~~ conducted by the Department of Financial Services;

(II) Nine hundred dollars in all cases in which the value of the claim is more than \$50,000 but less than \$250,000 and in which there are not more than five defendants. The party shall pay an additional filing fee of up to \$2.50 for each defendant in excess of five. Of the first ~~\$705 \$785~~ in filing fees, ~~\$700 \$780~~ must be remitted by the clerk to the Department of Revenue for deposit into the General Revenue Fund, ~~\$4 \$3.50~~ must be remitted to the Department of Revenue for deposit into the ~~Administrative Clerks of the Court Trust Fund within the Department of Financial Services Justice Administrative Commission~~ and used to fund the ~~contract with the Florida Clerks of Court Operations Corporation created described in s. 28.35, and \$1 \$1.50~~ must be remitted to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services to fund audits of individual clerks' court-related expenditures ~~clerk budget reviews~~ conducted by the Department of Financial Services; or

(III) One thousand nine hundred dollars in all cases in which the value of the claim is \$250,000 or more and in which there are not more than five defendants. The party shall pay an additional filing fee of up to \$2.50 for each defendant in excess of five. Of the first ~~\$1,705 \$1,785~~ in filing fees, ~~\$930 \$1,010~~ must be remitted by the clerk to the Department of Revenue for deposit into the General Revenue Fund, \$770 must be remitted to the Department of Revenue for deposit into the State Courts Revenue Trust Fund, ~~\$4 \$3.50~~ must be remitted to the Department of Revenue for deposit into the ~~Administrative Clerks of the Court Trust Fund within the Department of Financial Services Justice Administrative Commission~~ to fund the ~~contract with the Florida Clerks of Court Operations Corporation created in s. 28.35, and \$1 \$1.50~~ must be remitted to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services to fund audits of individual clerks' court-related expenditures ~~clerk budget reviews~~ conducted by the Department of Financial Services.

e. An additional filing fee of \$4 shall be paid to the clerk. The clerk shall remit \$3.50 to the Department of Revenue for deposit into the Court Education Trust Fund and shall remit 50 cents to the Department of Revenue for deposit into the ~~Administrative Clerks of the Court Trust Fund within the Department of Financial Services Justice Administrative Commission~~ to fund clerk education provided by the Florida Clerks of Court Operations Corporation. An additional filing fee of up to \$18 shall be paid by the party seeking each severance that is granted. The clerk may impose an additional filing fee of up to \$85 for all proceedings of garnishment, attachment, replevin, and distress. Postal charges incurred by the clerk of the circuit court in making service by certified or registered mail on defendants or other parties shall be paid by the party at whose instance service is made. Additional fees, charges, or costs may not be added to the filing fees imposed under this section, except as authorized in this section or by general law.

Section 4. Effective upon this act becoming a law, section 28.2455, Florida Statutes, is repealed.

Section 5. Paragraph (b) of subsection (5) of section 28.246, Florida Statutes, is amended to read:

28.246 Payment of court-related fines or other monetary penalties, fees, charges, and costs; partial payments; distribution of funds.—

(5) When receiving partial payment of fees, service charges, court costs, and fines, clerks shall distribute funds according to the following order of priority:

(b) That portion of fees, service charges, court costs, and fines required to be retained by the clerk of the court or deposited into the Clerks of the Court Trust Fund within the ~~Department of Revenue Justice Administrative Commission~~.

To offset processing costs, clerks may impose either a per-month service charge pursuant to s. 28.24(26)(b) or a one-time administrative processing service charge at the inception of the payment plan pursuant to s. 28.24(26)(c).

Section 6. Section 28.35, Florida Statutes, is amended to read:

28.35 Florida Clerks of Court Operations Corporation.—

(1)(a) The Florida Clerks of Court Operations Corporation is created as a public corporation organized to perform the functions specified in this section and s. 28.36 ~~and shall be administratively housed within the Justice Administrative Commission. The corporation shall be a budget entity within the Justice Administrative Commission, and its employees shall be considered state employees. The corporation is not subject to control, supervision, or direction by the Justice Administrative Commission in the performance of its duties, but the employees of the corporation shall be governed by the classification plan and salary and benefits plan of the Justice Administrative Commission. The classification plan must have a separate chapter for the corporation.~~ All clerks of the circuit court shall be members of the corporation and hold their position and authority in an ex officio capacity. The functions assigned to the corporation shall be performed by an executive council pursuant to the plan of operation approved by the members.

(b) The executive council shall be composed of eight clerks of the court elected by the clerks of the courts for a term of 2 years, with two clerks from counties with a population of fewer than 100,000, two clerks from counties with a population of at least 100,000 but fewer than 500,000, two clerks from counties with a population of at least 500,000 but fewer than 1 million, and two clerks from counties with a population of more than 1 million. The executive council shall also include, as ex officio members, a designee of the President of the Senate and a designee of the Speaker of the House of Representatives. The Chief Justice of the Supreme Court shall designate one additional member to represent the state courts system.

(c) The corporation shall be considered a political subdivision of the state and shall be exempt from the corporate income tax. The corporation is not subject to ~~the provisions of~~ chapter 120.

(d) The functions assigned to the corporation under this section and ss. 28.36 and 28.37 are considered to be for a valid public purpose.

(2) The duties of the corporation shall include the following:

(a) Adopting a plan of operation.

(b) Conducting the election of an executive council ~~directors~~ as required in paragraph (1)(b) ~~(4)(a)~~.

(c) Recommending to the Legislature changes in the amounts of the various court-related fines, fees, service charges, and court costs established by law to ensure reasonable and adequate funding of the clerks of the court in the performance of their court-related functions.

(d) Developing and certifying a uniform system of workload performance measures and applicable workload performance standards for the functions specified in paragraph (3)(a) ~~and the service unit costs required in s. 28.36 and measures for clerk workload performance in meeting the workload performance standards.~~ These workload measures and workload performance standards shall be designed to facilitate an objective determination of the performance of each clerk in accordance with minimum standards for fiscal management, operational efficiency, and effective collection of fines, fees, service charges, and court costs. The corporation shall develop the workload performance measures and workload performance standards in consultation with the Legislature ~~and the Supreme Court. The Legislature may modify the clerk performance measures and performance standards in legislation implementing the General Appropriations Act or other law.~~ When the corporation finds a clerk has not met the workload performance standards, the corporation shall identify the nature of each deficiency and any corrective action recommended and taken by the affected clerk of the court. The corporation shall notify the Legislature ~~and the Supreme Court~~ of any clerk not meeting workload performance standards and provide a copy of any corrective action plans. As used in this subsection, the term:

1. "Workload measures" means the measurement of the activities and frequency of the work required for the clerk to adequately perform the court-related duties of the office as defined by the Florida Clerks of Court Operations Corporation.

2. "Workload performance standards" means the standards developed to measure the timeliness and effectiveness of the activities that are accomplished by the clerk in the performance of the court-related duties of the office as defined by the Florida Clerks of Court Operations Corporation.

(e) Entering into a contract with the Department of Financial Services for the department to audit the court-related expenditures of individual clerks.

~~(f)(e)~~ Reviewing, certifying, and recommending proposed budgets submitted by clerks of the court pursuant to s. 28.36. As part of this process, the corporation shall:

1. Calculate the minimum amount of revenue necessary for each clerk of the court to efficiently perform the list of court-related functions specified in paragraph (3)(a). The corporation shall apply the workload measures appropriate for determining the individual level of review required to fund the clerk's budget.

2. Prepare a cost comparison of similarly situated clerks of the court, based on county population and numbers of filings, using the standard list of court-related functions specified in paragraph (3)(a).

3. Conduct an annual base budget review and an annual budget exercise examining the total budget of each clerk of the court. The review shall examine revenues from all sources, expenses of court-related functions, and expenses of noncourt-related functions as necessary to determine that court-related revenues are not being used for noncourt-related purposes. The review and exercise shall identify potential targeted budget reductions in the percentage amount provided in Schedule VIII-B of the state's previous year's legislative budget instructions, as referenced in s. 216.023(3), or an equivalent schedule or instruction as may be adopted by the Legislature.

4. Identify those proposed budgets containing funding for items not included on the standard list of court-related functions specified in paragraph (3)(a).

5. Identify those clerks projected to have court-related revenues insufficient to fund their anticipated court-related expenditures

6. Use revenue estimates based on the official estimate for funds accruing to the Clerks of the Court Trust Fund made by the Revenue Estimating Conference.

~~(g)(f)~~ Developing and conducting clerk education programs.

~~(g)~~ Publishing a uniform schedule of actual fees, service charges, and costs charged by a clerk of the court pursuant to general law.

(h) Beginning August 1, 2014, and each August 1 thereafter, submitting to the Legislative Budget Commission, as provided in s. 11.90, its proposed budget and the information described in paragraph (f), as well as the authorized budgets for each clerk of the court and the corporation. Before October 1 of each year beginning in 2014, the Legislative Budget Commission shall consider the submitted budgets and shall approve, disapprove, or amend and approve the corporation's budget and shall approve, disapprove, or amend and approve the total of the clerks' combined budgets or any individual clerk's budget. If the Legislative Budget Commission fails to approve or amend and approve the corporation's budget or the clerks' combined budgets before October 1, the clerk shall continue to perform the court-related functions based upon the clerk's authorized budget for the previous county fiscal year.

(3)(a) The list of court-related functions that clerks may fund from filing fees, service charges, costs, and fines ~~perform~~ are limited to those functions expressly authorized by law or court rule. Those functions include the following: case maintenance; records management; court preparation and attendance; processing the assignment, reopening, and reassignment of cases; processing of appeals; collection and distribution of fines, fees, service charges, and court costs; processing of bond forfeiture payments; payment of jurors and witnesses; payment of expenses for meals or lodging provided to jurors; data collection and reporting; processing of jurors; determinations of indigent status; and paying reasonable administrative support costs to enable the clerk of the court to carry out these court-related functions.

(b) The list of court-related functions that clerks may not fund from filing fees, service charges, costs, and fines ~~includes state appropriations~~ include:

1. Those functions not specified within paragraph (a).

2. Functions assigned by administrative orders which are not required for the clerk to perform the functions in paragraph (a).

3. Enhanced levels of service which are not required for the clerk to perform the functions in paragraph (a).

4. Functions identified as local requirements in law or local optional programs.

(4) The corporation shall ~~prepare a legislative budget request for the resources necessary to perform its duties, submit the request pursuant to chapter 216, and be funded pursuant to a contract with the Chief Financial Officer. Funds shall be provided to the Chief Financial Officer for such purpose as appropriated by general law. Such funds shall be available to the corporation for the performance of the duties and responsibilities set forth in this section as a budget entity in the General Appropriations Act. The corporation may hire staff and pay other expenses from such funds state appropriations as necessary to perform the official duties and responsibilities of the corporation as described in this section by law.~~

(5) Certified public accountants conducting audits of counties pursuant to s. 218.39 shall report, as part of the audit, whether ~~or not~~ the clerks of the courts have complied with the requirements of this section and s. 28.36. In addition, each clerk of court shall forward a copy of the ~~portion of the financial audit relating to the court-related duties of the clerk of court to the Florida Clerks of Court Operations Corporation Supreme Court.~~ The Auditor General shall develop a compliance supplement for the audit of compliance with the budgets and applicable workload performance standards certified by the corporation.

Section 7. Section 28.36, Florida Statutes, is amended to read:

28.36 Budget procedure.—There is established a budget procedure ~~for preparing budget requests for funding~~ for the court-related functions of the clerks of the court.

(1) Only those functions listed in s. 28.35(3)(a) may be funded from fees, service charges, costs, and fines retained by the clerks of the court. ~~Each clerk of court shall prepare a budget request for the last quarter of the county fiscal year and the first three quarters of the next county fiscal year. The proposed budget shall be prepared, summarized, and submitted by the clerk in each county to the Florida Clerks of Court Operations Corporation in the manner and form prescribed by the corporation to meet the requirements of law. Each clerk shall forward a copy of his or her budget request to the Supreme Court. The budget requests must be provided to the corporation by October 1 of each year.~~

(2) Each clerk shall include in his or her budget request a projection of the amount of court-related fees, service charges, and any other court-related clerk fees which will be collected during the proposed budget period. If the corporation determines that the proposed budget is limited to the standard list of court-related functions in s. 28.35(3)(a) and the projected court-related revenues are less than the proposed budget, the clerk shall increase all fees, service charges, and any other court-related clerk fees and charges to the maximum amounts specified by law or the amount necessary to resolve the deficit, whichever is less.

~~(2)(3)~~ Each proposed budget shall further conform to the following requirements: ~~clerk shall include in his or her budget request the number of personnel and the proposed budget for each of the following core services:~~

(a) On or before June 1 of each year beginning in 2014, the proposed budget shall be prepared, summarized, and submitted by the clerk in each county to the Florida Clerks of Court Operations Corporation in the manner and form prescribed by the corporation. The proposed budget must provide detailed information on the anticipated revenues available and expenditures necessary for the performance of the court-related functions listed in s. 28.35(3)(a) of the clerk's office for the county fiscal year beginning October 1.

(b) The proposed budget must be balanced such that the total of the estimated revenues available equals or exceeds the total of the anticipated expenditures. Such revenues include revenue projected to be received from fees, services charges, costs, and fines for court-related functions during the fiscal period covered by the budget. The anticipated expenditures must be itemized as required by the corporation.

- (a) Circuit criminal.
- (b) County criminal.
- (c) Juvenile delinquency.
- (d) Criminal traffic.
- (e) Circuit civil.
- (f) County civil.
- (g) Civil traffic.
- (h) Probate.
- (i) Family.

(j) Juvenile dependency.

~~Central administrative costs shall be allocated among the core services categories.~~

(3) If a clerk of the court estimates that available funds plus projected revenues from fines, fees, service charges, and costs for court-related services are insufficient to meet the anticipated expenditures for the standard list of court-related functions in s. 28.35(3)(a) performed by his or her office, the clerk must report the revenue deficit to the corporation in the manner and form prescribed by the corporation. The corporation shall verify that the proposed budget is limited to the standard list of court-related functions in s. 28.35(3)(a). If the corporation verifies that a revenue deficit is projected, the corporation shall certify a revenue deficit and notify the Department of Revenue that the clerk is authorized to retain revenues, in an amount necessary to fully fund the projected revenue deficit, which he or she would otherwise be required to remit to the Department of Revenue for deposit into the department's Clerks of the Court Trust Fund pursuant to s. 28.37. If a revenue deficit is projected for that clerk after retaining all of the projected collections from the court-related fines, fees, service charges, and costs, the corporation shall certify the amount of the revenue deficit to the Executive Office of the Governor and request release authority for funds from the department's Clerks of the Court Trust Fund. Notwithstanding s. 216.192 relating to the release of funds, the Executive Office of the Governor may approve the release of funds in accordance with the notice, review, and objection procedures set forth in s. 216.177 and shall provide notice to the Chief Financial Officer. The Department of Revenue shall request monthly distributions from the Chief Financial Officer in equal amounts to each clerk certified to have a revenue deficit, in accordance with the releases approved by the Governor.

(4) The Legislative Budget Commission may approve increases to the previously authorized budgets approved for individual clerks of the court pursuant to section 28.35 for court-related functions, if:

(a) The additional budget authority is necessary to pay the cost of performing new or additional functions required by changes in law or court rule; or

(b) The additional budget authority is necessary to pay the cost of supporting increases in the number of judges or magistrates authorized by the Legislature.

(4) The budget request must identify the service units to be provided within each core service. The service units shall be developed by the corporation, in consultation with the Supreme Court, the Chief Financial Officer, and the appropriations committees of the Senate and the House of Representatives.

(5) The budget request must propose a unit cost for each service unit. The corporation shall provide a copy of each clerk's budget request to the Supreme Court.

(6) The corporation shall review each individual clerk's prior year expenditures, projected revenue, proposed unit costs, and the proposed budget for each of the core services categories. The corporation shall compare each clerk's prior year expenditures and unit costs for core services with a peer group of clerks' offices having a population of a similar size and a similar number of case filings. If the corporation finds that the expenditures, unit costs, or proposed budget of a clerk is significantly higher than those of clerks in that clerk's peer group, the corporation shall require the clerk to submit documentation justifying the difference in each core services category. Justification for higher expenditures may include, but is not limited to, collective bargaining agreements, county civil service agreements, and the number and distribution of courthouses served by the clerk. If the expenditures and unit costs are not justified, the corporation shall recommend a reduction in the funding for that core services category in the budget request to an amount similar to the peer group of clerks or to an amount that the corporation determines is justified.

(7) The corporation shall complete its review and adjustments to the clerks' budget requests and make its recommendations to the Legislature and the Supreme Court by December 1 each year.

(8) The Chief Financial Officer shall review the proposed unit costs associated with each clerk of court's budget request and make



recommendations to the Legislature. The Chief Financial Officer may conduct any audit of the corporation or a clerk of court as authorized by law. The Chief Justice of the Supreme Court may request an audit of the corporation or any clerk of court by the Chief Financial Officer.

(9) The Legislature shall appropriate the total amount for the budgets of the clerks in the General Appropriations Act. The Legislature may reject or modify any or all of the unit costs recommended by the corporation. If the Legislature does not specify the unit costs in the General Appropriations Act or other law, the unit costs recommended by the corporation shall be the official unit costs for that budget period.

(10)(a) Beginning in the 2010-2011 fiscal year, the corporation shall release appropriations to each clerk quarterly. If funds in the Clerks of Court Trust Fund are insufficient to provide a release in a quarter in a single release, the corporation may release partial amounts for that quarter so long as the total of those partial amounts does not exceed that quarter's release. If funds in the Clerks of Court Trust Fund are insufficient for the first quarter release, the corporation may make a request to the Governor for a trust fund loan pursuant to chapter 215. The amount of the first three releases shall be based on one quarter of the estimated budget for each clerk as identified in the General Appropriations Act.

(b) The corporation shall estimate the fourth quarter's number of units to be performed by each clerk. The amount of the fourth quarter release shall be based on the approved unit cost times the estimated number of units of the fourth quarter with the following adjustment: the fourth quarter release shall be adjusted based on the first three quarters' actual number of service units provided as reported to the corporation by each clerk. If the clerk has performed fewer service units in the first three quarters of the year compared to three quarters of the estimated number of service units in the General Appropriations Act, the corporation shall decrease the fourth quarter release. The amount of the decrease shall equal the amount of the difference between the estimated number of service units for the first three quarters and the actual number of service units provided in the first three quarters times the approved unit cost.

(c) No adjustment for the fourth quarter release shall be made if the clerk has performed more units than the estimate for the first three quarters.

(d) If the clerk performs fewer units in the fourth quarter than estimated by the corporation, the corporation shall decrease the first quarter release for the clerk in the next fiscal year by the amount of the difference between the estimated number of service units for the fourth quarter and the actual number of service units performed in that quarter times the approved unit cost.

(e) The total of all releases to the clerks of court may not exceed the amount appropriated in the General Appropriations Act. If, during the year, the corporation determines that the projected releases of appropriations for service units will exceed the estimate used in the General Appropriations Act and result in statewide expenditures greater than the amount appropriated by law, the corporation shall reduce all service unit costs of all clerks by the amount necessary to ensure that service units are funded within the total amount appropriated to the clerks of court. If such action is necessary, the corporation shall notify the Legislative Budget Commission. If the Legislative Budget Commission objects to the adjustments, the Legislative Budget Commission shall adjust all service unit costs by the amount necessary to ensure that projected units of service are funded within the total amount appropriated to the clerks of court at its next scheduled meeting.

(11) ~~The corporation may submit proposed legislation to the Governor, the President of the Senate, and the Speaker of the House of Representatives relating to the preparation of budget requests of the clerks of court.~~

Section 8. Section 28.365, Florida Statutes, is created to read:

28.365 Procurement.—The clerks of the court and the Florida Clerks of Court Operations Corporation are subject to the procurement requirements and limitations of chapter 287 for expenditures made pursuant to the budget provided for in ss. 28.35 and 28.36.

Section 9. Section 28.37, Florida Statutes, is amended to read:

28.37 Fines, fees, service charges, and costs remitted to the state.—

(1) Pursuant to s. 14(b), Art. V of the State Constitution, selected salaries, costs, and expenses of the state courts system and court-related functions shall be funded from a portion of the revenues derived from statutory fines, fees, service charges, and costs collected by the clerks of the court.

(2) Beginning November 1, 2013, that portion of all fines, fees, service charges, and costs collected by the clerks of the court for the previous month that is in excess of one-twelfth of the clerks' total budget for the performance of court-related functions shall be remitted to the Department of Revenue for deposit into the Clerks of the Court Trust Fund. Such collections do not include funding received for the operation of the Title IV-D child support collections and disbursement program. The clerk of the court shall remit the revenues collected during the previous month due to the state on or before the 10th day of each month.

(3) No later than January 25, 2015, and each January 25 thereafter for the previous county fiscal year, the clerks of court, in consultation with the Florida Clerks of Court Operations Corporation, shall remit to the Department of Revenue for deposit in the General Revenue Fund the cumulative excess of all fines, fees, service charges, and costs retained by the clerks of the court, plus any funds received by the clerks of the court from the Clerks of the Court Trust Fund under s. 28.36(3), that exceed the amount needed to meet their authorized budget amounts established under s. 28.35, and the Florida Clerks of Court Operations Corporation shall remit to the Department of Revenue for deposit in the General Revenue Fund the cumulative excess of all fines, fees, service charges, and costs retained in the Clerks of the Court Trust Fund. However, if the official estimate for funds accruing to the Clerks of the Court Trust Fund made by the Revenue Estimating Conference for the current fiscal year or the next fiscal year included in the estimate is less than the cumulative amount of authorized budgets from the Clerks of the Court Trust Fund for the current fiscal year, the Department of Revenue shall deposit the difference in the Clerks of the Court Trust Fund rather than in the General Revenue Fund.

(4) The Department of Revenue shall collect any funds that the Florida Clerks of Court Operations Corporation determines upon investigation were due no later than January 20 but not remitted to the department.

~~(5)(2) Ten Except as otherwise provided in ss. 28.241 and 34.041, all court-related fines, fees, service charges, and costs are considered state funds and shall be remitted by the clerk to the Department of Revenue for deposit into the Clerks of the Court Trust Fund within the Justice Administrative Commission. However, 10 percent of all court-related fines collected by the clerk, except for penalties or fines distributed to counties or municipalities under s. 316.0083(1)(b)3. or s. 318.18(15)(a), shall be deposited into the clerk's Public Records Modernization Trust Fund to be used exclusively for additional clerk court-related operational needs and program enhancements.~~

Section 10. Paragraph (b) of subsection (1) of section 34.041, Florida Statutes, is amended, and paragraph (a) of that subsection is published, to read: 34.041 Filing fees.—

(1)(a) Filing fees are due at the time a party files a pleading to initiate a proceeding or files a pleading for relief. Reopen fees are due at the time a party files a pleading to reopen a proceeding if at least 90 days have elapsed since the filing of a final order or final judgment with the clerk. If a fee is not paid upon the filing of the pleading as required under this section, the clerk shall pursue collection of the fee pursuant to s. 28.246. Upon the institution of any civil action, suit, or proceeding in county court, the party shall pay the following filing fee, not to exceed:

1. For all claims less than \$100.....\$50.
2. For all claims of \$100 or more but not more than \$500.....\$75.
3. For all claims of more than \$500 but not more than \$2,500.....\$170.
4. For all claims of more than \$2,500.....\$295.
5. In addition, for all proceedings of garnishment, attachment, replevin, and distress.....\$85.
6. Notwithstanding subparagraphs 3. and 5., for all claims of not more than \$1,000 filed simultaneously with an action for replevin of property that is the subject of the claim.....\$125.
7. For removal of tenant action.....\$180.

The filing fee in subparagraph 6. is the total fee due under this paragraph for that type of filing, and no other filing fee under this paragraph may be assessed against such a filing.

~~(b) The first \$80 of the filing fee collected under subparagraph (a)4. shall be remitted to the Department of Revenue for deposit into the General Revenue Fund. The next \$15 of the filing fee collected under subparagraph~~

(a)4.; and the first \$10 of the filing fee collected under subparagraph (a)7.; shall be deposited in the State Courts Revenue Trust Fund. By the 10th day of each month, the clerk shall submit that portion of the fees collected in the previous month that is in excess of one-twelfth of the clerk's total budget for the performance of court-related functions to the Department of Revenue for deposit into the Clerks of the Court Trust Fund. An additional filing fee of \$4 shall be paid to the clerk. The clerk shall transfer \$3.50 to the Department of Revenue for deposit into the Court Education Trust Fund and shall transfer 50 cents to the Department of Revenue for deposit into the ~~Administrative Clerks of the Court Trust Fund within the Department of Financial Services Justice Administrative Commission~~ to fund clerk education provided by the Florida Clerks of Court Operations Corporation. Postal charges incurred by the clerk of the county court in making service by mail on defendants or other parties shall be paid by the party at whose instance service is made. Except as provided in this section ~~herein~~, filing fees and service charges for performing duties of the clerk relating to the county court shall be as provided in ss. 28.24 and 28.241. Except as otherwise provided in this section ~~herein~~, all filing fees shall be retained as fee income of the office of the clerk of the circuit court ~~remitted to the Department of Revenue for deposit into the Clerks of the Court Trust Fund within the Justice Administrative Commission.~~ Filing fees imposed by this section may not be added to any penalty imposed by chapter 316 or chapter 318.

Section 11. Subsection (5) of section 43.16, Florida Statutes, is amended to read:

43.16 Justice Administrative Commission; membership, powers and duties.—

(5) The duties of the commission shall include, but not be limited to, the following:

(a) The maintenance of a central state office for administrative services and assistance when possible to and on behalf of the state attorneys and public defenders of Florida, the capital collateral regional counsel of Florida, the criminal conflict and civil regional counsel, and the Guardian Ad Litem Program, ~~and the Florida Clerks of Court Operations Corporation.~~

(b) Each state attorney, public defender, and criminal conflict and civil regional counsel ~~and~~ the Guardian Ad Litem Program, ~~and the Florida Clerks of Court Operations Corporation~~ shall continue to prepare necessary budgets, vouchers that represent valid claims for reimbursement by the state for authorized expenses, and other things incidental to the proper administrative operation of the office, such as revenue transmittals to the Chief Financial Officer and automated systems plans, but will forward such items same to the commission for recording and submission to the proper state officer. However, when requested by a state attorney, a public defender, a criminal conflict and civil regional counsel, or the Guardian Ad Litem Program, the commission will either assist in the preparation of budget requests, voucher schedules, and other forms and reports or accomplish the entire project involved.

Section 12. Paragraph (x) of subsection (2) of section 110.205, Florida Statutes, is amended to read:

110.205 Career service; exemptions.—

(2) EXEMPT POSITIONS.—The exempt positions that are not covered by this part include the following:

(x) All officers and employees of the Justice Administrative Commission, Office of the State Attorney, Office of the Public Defender, regional offices of capital collateral counsel, offices of criminal conflict and civil regional counsel, and Statewide Guardian Ad Litem Office, including the circuit guardian ad litem programs ~~and the Florida Clerks of Court Operations Corporation.~~

Section 13. Section 142.01, Florida Statutes, is amended to read:

142.01 Fine and forfeiture fund; disposition of revenue; clerk of the circuit court.—

(1) There shall be established by the clerk of the circuit court in each county of this state a separate fund to be known as the fine and forfeiture fund for use by the clerk of the circuit court in performing court-related functions. The fund shall consist of the following:

(a) Fines and penalties pursuant to ss. 28.2402(2), 34.045(2), 316.193, 327.35, 327.72, 379.2203(1), and 775.083(1).

(b) That portion of civil penalties directed to this fund pursuant to s. 318.21.

(c) Court costs pursuant to ss. 28.2402(1)(b), 34.045(1)(b), 318.14(10)(b), 318.18(11)(a), 327.73(9)(a) and (11)(a), and 938.05(3).

(d) Proceeds from forfeited bail bonds, unclaimed bonds, unclaimed moneys, or recognizances pursuant to ss. 321.05(4)(a), 379.2203(1), and 903.26(3)(a).

(e) Fines and forfeitures pursuant to s. 34.191.

(f) Filing fees received pursuant to ss. 28.241 and 34.041, unless the disposition of such fees is otherwise required by law.

(g)(f) All other revenues received by the clerk as revenue authorized by law to be retained by the clerk.

~~(2) All revenues received by the clerk in the fine and forfeiture fund from court-related fees, fines, costs, and service charges are considered state funds and shall be remitted monthly to the Department of Revenue for deposit into the Clerks of the Court Trust Fund within the Justice Administrative Commission.~~

~~(2)(3)~~ Notwithstanding ~~the provisions of~~ this section, all fines and forfeitures arising from operation of ~~the provisions of~~ s. 318.1215 shall be disbursed in accordance with that section.

Section 14. Section 213.131, Florida Statutes, is amended to read:

213.131 Clerks of the Court Trust Fund within the ~~Department of Revenue Justice Administrative Commission.~~—The Clerks of the Court Trust Fund is created within the Department of Revenue Justice Administrative Commission.

Section 15. Subsection (2) of section 215.22, Florida Statutes, is amended to read:

215.22 Certain income and certain trust funds exempt.—

(2) Moneys and income of a revenue nature shared with political subdivisions or received from taxes or fees authorized to be levied by any political subdivision, including moneys from service charges, fees, costs, and fines deposited into the Clerks of the Court Trust Fund within the Department of Revenue, shall be exempt from the deduction required by s. 215.20(1).

Section 16. Paragraph (qq) of subsection (1) of section 216.011, Florida Statutes, is amended to read:

216.011 Definitions.—

(1) For the purpose of fiscal affairs of the state, appropriations acts, legislative budgets, and approved budgets, each of the following terms has the meaning indicated:

(qq) "State agency" or "agency" means any official, officer, commission, board, authority, council, committee, or department of the executive branch of state government. For purposes of this chapter and chapter 215, "state agency" or "agency" includes, but is not limited to, state attorneys, public defenders, criminal conflict and civil regional counsel, capital collateral regional counsel, ~~the Florida Clerks of Court Operations Corporation,~~ the Justice Administrative Commission, the Florida Housing Finance Corporation, and the Florida Public Service Commission. Solely for the purposes of implementing s. 19(h), Art. III of the State Constitution, the terms "state agency" or "agency" include the judicial branch.

Section 17. For the period of July 1, 2013, through September 30, 2013, the authorized budget for the clerks of the circuit court shall be \$110,845,078 and the authorized budget for the Florida Clerks of Court Operations Corporation shall be \$405,412. The Florida Clerks of Court Operations Corporation shall determine budget amounts for the individual clerks for that period. For the county fiscal year beginning October 1, 2013, and ending September 30, 2014, the authorized budget for the clerks of the circuit court shall be \$443,380,312 and the authorized budget for the Florida Clerks of Court Operations Corporation shall be \$1,621,648. The Florida Clerks of Court Operations Corporation shall determine budget amounts for the individual clerks for that period.

Section 18. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2013.

#### TITLE AMENDMENT

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to clerks of court; transferring the Clerks of the Court Trust Fund from the Justice Administrative Commission to the Department of Revenue; amending s. 11.90, F.S.; providing additional duties of the Legislative Budget Commission relating to clerks of court; amending s. 28.241, F.S.; revising distribution of filing fees; revising references to trust funds; repealing s. 28.2455, F.S., relating to transfer of trust funds in excess of amount needed for clerk budgets; amending s. 28.246, F.S.; conforming provisions to changes made by the act; amending s. 28.35, F.S.; deleting provisions providing for the housing of the Florida Clerks of Court Operations Corporation; revising duties of the corporation; defining terms; providing requirements for annual submission of a proposed budget and related information; revising provisions concerning functions that may and may not be funded from specified sources; revising distribution of the corporation's audit report; amending s. 28.36, F.S.; specifying that only certain functions may be funded from fees, service charges, costs, and fines retained by the clerks of the court; revising provisions relating to preparation of budget requests by clerks; providing for reporting and certification of revenue deficits; providing procedures for retention of additional revenues by clerks in the event of a deficit; providing for the release of funds from a specified trust fund to relieve such a deficit in certain circumstances; providing for increases in previously authorized budgets in certain circumstances; deleting provisions relating to review of budgets and related information; creating s. 28.365, F.S.; providing that clerks of court and the Florida Clerks of Court Operations Corporation are subject to specified procurement requirements for expenditures made pursuant to specified provisions; amending s. 28.37, F.S.; providing that a portion of all fines, fees, service charges, and costs collected by the clerks of the court that exceeds a specified portion of the clerk's annual budget be remitted to a specified trust fund; providing for remission of certain excess collections to the department for deposit into the General Revenue Fund on specified dates; providing for deposit of such funds in a specified trust fund in certain circumstances; providing for collection of certain funds due by the department; amending s. 34.041, F.S.; conforming provisions to changes made by the act; revising distribution of certain fees; amending ss. 43.16 and 110.205, F.S.; conforming provisions to changes made by the act; amending s. 142.01, F.S.; revising the funds deposited in each county's fine and forfeiture fund; deleting provisions specifying that certain moneys are considered state funds; amending s. 213.131, F.S.; conforming provisions to changes made by the act; amending s. 215.22, F.S.; exempting certain moneys deposited in the Clerks of the Court Trust Fund from a specified deduction; amending s. 216.011, F.S.; conforming provisions to changes made by the act; specifying the authorized budget for the clerks of the circuit court and the corporation for specified periods; requiring the corporation to determine budget amounts for the individual clerks for those periods; providing effective dates.

Rep. McBurney moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

**SB 1520**—A bill to be entitled An act relating to Medicaid; amending s. 395.602, F.S.; providing that certain rural hospitals remain rural hospitals under specified circumstances; amending s. 409.905, F.S.; requiring the Agency for Health Care Administration to implement a prospective payment system for inpatient hospital services using diagnosis-related groups (DRGs); deleting provisions directing the agency to develop a plan to convert hospital reimbursement for inpatient services to a prospective payment system; requiring hospital reimbursement for outpatient services to be based on allowable costs; providing that adjustments may not be made after a certain date; providing for the reconciliation of errors in source data or calculations; amending s. 409.908, F.S.; revising exceptions to limitations on hospital reimbursement for inpatient services; providing parameters for submission of letters of agreement by local governmental entities to the agency relating to funds for special payments; creating s. 409.909, F.S.; establishing the Statewide Medicaid Residency Program; providing the purposes of the

program; providing definitions; providing a formula and limitations for allocating funds to participating hospitals; authorizing the agency to adopt rules; amending s. 409.911, F.S.; updating references to data used for calculations in the disproportionate share program; amending s. 409.9118, F.S.; amending parameters for the disproportionate share program for specialty hospitals; limiting reimbursement to tuberculosis services provided under contract with the Department of Health; providing an effective date.

—was read the second time by title.

Representative Hudson offered the following:

(Amendment Bar Code: 874591)

**Amendment 1 (with title amendment)**—Remove everything after the enacting clause and insert:

Section 1. Section 381.0403, Florida Statutes, is repealed.

Section 2. Paragraph (e) of subsection (2) of section 395.602, Florida Statutes, is amended to read:

395.602 Rural hospitals.—

(2) DEFINITIONS.—As used in this part:

(e) "Rural hospital" means an acute care hospital licensed under this chapter, having 100 or fewer licensed beds and an emergency room, which is:

1. The sole provider within a county with a population density of no greater than 100 persons per square mile;
2. An acute care hospital, in a county with a population density of no greater than 100 persons per square mile, which is at least 30 minutes of travel time, on normally traveled roads under normal traffic conditions, from any other acute care hospital within the same county;
3. A hospital supported by a tax district or subdistrict whose boundaries encompass a population of 100 persons or fewer per square mile;
4. A hospital in a constitutional charter county with a population of over 1 million persons that has imposed a local option health service tax pursuant to law and in an area that was directly impacted by a catastrophic event on August 24, 1992, for which the Governor of Florida declared a state of emergency pursuant to chapter 125, and has 120 beds or less that serves an agricultural community with an emergency room utilization of no less than 20,000 visits and a Medicaid inpatient utilization rate greater than 15 percent;
5. A hospital with a service area that has a population of 100 persons or fewer per square mile. As used in this subparagraph, the term "service area" means the fewest number of zip codes that account for 75 percent of the hospital's discharges for the most recent 5-year period, based on information available from the hospital inpatient discharge database in the Florida Center for Health Information and Policy Analysis at the Agency for Health Care Administration; or
6. A hospital designated as a critical access hospital, as defined in s. 408.07(15).

Population densities used in this paragraph must be based upon the most recently completed United States census. A hospital that received funds under s. 409.9116 for a quarter beginning no later than July 1, 2002, is deemed to have been and shall continue to be a rural hospital from that date through June 30, 2015, if the hospital continues to have 100 or fewer licensed beds and an emergency room, or meets the criteria of subparagraph 4. An acute care hospital that has not previously been designated as a rural hospital and that meets the criteria of this paragraph shall be granted such designation upon application, including supporting documentation to the Agency for Health Care Administration. A hospital that was licensed as a rural hospital during the 2010-2011 or 2011-2012 fiscal years is deemed to continue to be a rural hospital from the date of designation through June 30, 2015, if the hospital continues to have 100 or fewer licensed beds and an emergency room.

Section 3. Paragraphs (c) through (f) of subsection (5) and subsection (6) of section 409.905, Florida Statutes, are amended to read:

409.905 Mandatory Medicaid services.—The agency may make payments for the following services, which are required of the state by Title XIX of the Social Security Act, furnished by Medicaid providers to recipients who are determined to be eligible on the dates on which the services were provided.

Any service under this section shall be provided only when medically necessary and in accordance with state and federal law. Mandatory services rendered by providers in mobile units to Medicaid recipients may be restricted by the agency. Nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, number of services, or any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216.

(5) HOSPITAL INPATIENT SERVICES.—The agency shall pay for all covered services provided for the medical care and treatment of a recipient who is admitted as an inpatient by a licensed physician or dentist to a hospital licensed under part I of chapter 395. However, the agency shall limit the payment for inpatient hospital services for a Medicaid recipient 21 years of age or older to 45 days or the number of days necessary to comply with the General Appropriations Act. Effective August 1, 2012, the agency shall limit payment for hospital emergency department visits for a nonpregnant Medicaid recipient 21 years of age or older to six visits per fiscal year.

(c) The agency shall implement a prospective payment methodology for establishing base reimbursement rates for inpatient hospital services each hospital based on allowable costs, as defined by the agency. The reimbursement rate ~~Rates~~ shall be calculated annually and take effect July 1 of each year ~~based on the most recent complete and accurate cost report submitted by each hospital.~~ The agency's methodology shall categorize each inpatient admission into diagnosis-related groups and assign a relative payment weight to the base rate according to the average relative amount of hospital resources used to treat a patient in a specific diagnosis-related group category. The agency may adopt the most recent relative weights calculated and made available by the Nationwide Inpatient Sample maintained by the Agency for Healthcare Research and Quality. The agency may adopt alternative weights if the agency finds that Florida-specific weights deviate with statistical significance from national weights for high volume diagnosis-related groups. The agency shall establish a single, uniform base rate for all hospitals unless specifically exempt pursuant to s. 409.908(1).

1. Adjustments may not be made to the rates after October 31 of the state fiscal year in which the rates take effect, except as defined in subparagraph 2. and for cases of insufficient collections of intergovernmental transfers authorized under s. 409.908(1) or the General Appropriations Act. In such cases, the agency shall submit a budget amendment or amendments under chapter 216 requesting approval of rate reductions by amounts necessary for the aggregate reduction to equal the dollar amount of intergovernmental transfers not collected and the corresponding federal match. Notwithstanding the \$1 million limitation on increases to an approved operating budget contained in ss. 216.181(11) and 216.292(3), a budget amendment exceeding that dollar amount is subject to notice and objection procedures set forth in s. 216.177. Local governmental entities must submit to the agency, by no later than October 15 of each year, a final executed letter of agreement containing the total amount of intergovernmental transfers authorized by the entity in order for the agency to consider the intergovernmental transfers in the reimbursement rate calculations.

2. Errors in source data cost reporting or calculation of rates discovered by November 7 must be corrected by the agency subsequent to November 15. Errors in source data or calculation of rates discovered after November 7 after October 31 must be reconciled in a subsequent rate period. The agency may not make any adjustment to a hospital's reimbursement ~~rate~~ more than 5 years after a hospital is notified of an audited rate established by the agency. The requirement that the agency may not make any adjustment to a hospital's reimbursement ~~rate~~ more than 5 years after a hospital is notified of an audited rate established by the agency is remedial and applies to actions by providers involving Medicaid claims for hospital services. Hospital rates are subject to such limits or ceilings as may be established in law or described in the agency's hospital reimbursement plan. Specific exemptions to the limits or ceilings may be provided in the General Appropriations Act.

(d) The agency shall implement a comprehensive utilization management program for hospital neonatal intensive care stays in certain high-volume participating hospitals, select counties, or statewide, and replace existing hospital inpatient utilization management programs for neonatal intensive care admissions. The program shall be designed to manage appropriate

admissions and discharges the lengths of stay for children being treated in neonatal intensive care units and must seek ~~the earliest~~ medically appropriate discharge to the child's home or other less costly treatment setting. The agency may competitively bid a contract for the selection of a qualified organization to provide neonatal intensive care utilization management services. The agency may seek federal waivers to implement this initiative.

(e) The agency may develop and implement a program to reduce the number of hospital readmissions among the non-Medicare population eligible in areas 9, 10, and 11.

~~(f) The agency shall develop a plan to convert Medicaid inpatient hospital rates to a prospective payment system that categorizes each case into diagnosis-related groups (DRG) and assigns a payment weight based on the average resources used to treat Medicaid patients in that DRG. To the extent possible, the agency shall propose an adaptation of an existing prospective payment system, such as the one used by Medicare, and shall propose such adjustments as are necessary for the Medicaid population and to maintain budget neutrality for inpatient hospital expenditures.~~

~~1. The plan must:~~

~~a. Define and describe DRGs for inpatient hospital care specific to Medicaid in this state;~~

~~b. Determine the use of resources needed for each DRG;~~

~~c. Apply current statewide levels of funding to DRGs based on the associated resource value of DRGs. Current statewide funding levels shall be calculated both with and without the use of intergovernmental transfers;~~

~~d. Calculate the current number of services provided in the Medicaid program based on DRGs defined under this subparagraph;~~

~~e. Estimate the number of cases in each DRG for future years based on agency data and the official workload estimates of the Social Services Estimating Conference;~~

~~f. Calculate the expected total Medicaid payments in the current year for each hospital with a Medicaid provider agreement, based on the DRGs and estimated workload;~~

~~g. Propose supplemental DRG payments to augment hospital reimbursements based on patient acuity and individual hospital characteristics, including classification as a children's hospital, rural hospital, trauma center, burn unit, and other characteristics that could warrant higher reimbursements, while maintaining budget neutrality; and~~

~~h. Estimate potential funding for each hospital with a Medicaid provider agreement for DRGs defined pursuant to this subparagraph and supplemental DRG payments using current funding levels, calculated both with and without the use of intergovernmental transfers.~~

~~2. The agency shall engage a consultant with expertise and experience in the implementation of DRG systems for hospital reimbursement to develop the DRG plan under subparagraph 1.~~

~~3. The agency shall submit the DRG plan, identifying all steps necessary for the transition and any costs associated with plan implementation, to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than January 1, 2013. The plan shall include a timeline necessary to complete full implementation by July 1, 2013. If, during implementation of this paragraph, the agency determines that these timeframes might not be achievable, the agency shall report to the Legislative Budget Commission the status of its implementation efforts, the reasons the timeframes might not be achievable, and proposals for new timeframes.~~

~~(6) HOSPITAL OUTPATIENT SERVICES.—~~

~~(a) The agency shall pay for preventive, diagnostic, therapeutic, or palliative care and other services provided to a recipient in the outpatient portion of a hospital licensed under part I of chapter 395, and provided under the direction of a licensed physician or licensed dentist, except that payment for such care and services is limited to \$1,500 per state fiscal year per recipient, unless an exception has been made by the agency, and with the exception of a Medicaid recipient under age 21, in which case the only limitation is medical necessity.~~

(b) The agency shall implement a methodology for establishing base reimbursement rates for each hospital based on allowable costs, as defined by the agency. Rates shall be calculated annually and take effect July 1 of each year. The agency may periodically adjust the outpatient reimbursement rate

using aggregate cost report data based on the most recent complete and accurate cost reports submitted by each hospital.

1. Adjustments may not be made to the rates after October 31 of the state fiscal year in which the rates take effect, except as defined in subparagraph 2., and for cases of insufficient collections of intergovernmental transfers authorized under s. 409.908(1) or the General Appropriations Act. In such cases, the agency shall submit a budget amendment or amendments under chapter 216 requesting approval of rate reductions by amounts necessary for the aggregate reduction to equal the dollar amount of intergovernmental transfers not collected and the corresponding federal match. Notwithstanding the \$1 million limitation on increases to an approved operating budget contained in ss. 216.181(11) and 216.292(3), a budget amendment exceeding the \$1 million limitation is subject to notice and objection procedures set forth in s. 216.177.

2. Any amendment to previously submitted cost reports must be submitted by a hospital no later than September 1 in order for the amended report to be considered by the agency, for the final rates set by October 31 of the current state fiscal year in which the rates take effect. Any errors in the calculation of rates discovered by November 7 must be corrected by the agency by November 15. Any errors in cost reporting or calculation of rates discovered after November 7 must be reconciled in a subsequent rate period. The agency may not make any adjustment to a hospital's reimbursement rate more than 5 years after a hospital is notified of an audited rate established by the agency. The requirement that the agency may not make any adjustment to a hospital's reimbursement rate more than 5 years after a hospital is notified of an audited rate established by the agency is remedial and applies to actions by providers involving Medicaid claims for hospital services. Hospital rates are subject to such limits or ceilings as may be established in law or described in the agency's hospital reimbursement plan. Specific exemptions to the limits or ceilings may be provided in the General Appropriations Act.

Section 4. Paragraph (a) of subsection (1) of section 409.908, Florida Statutes, is amended to read:

409.908 Reimbursement of Medicaid providers.—Subject to specific appropriations, the agency shall reimburse Medicaid providers, in accordance with state and federal law, according to methodologies set forth in the rules of the agency and in policy manuals and handbooks incorporated by reference therein. These methodologies may include fee schedules, reimbursement methods based on cost reporting, negotiated fees, competitive bidding pursuant to s. 287.057, and other mechanisms the agency considers efficient and effective for purchasing services or goods on behalf of recipients. If a provider is reimbursed based on cost reporting and submits a cost report late and that cost report would have been used to set a lower reimbursement rate for a rate semester, then the provider's rate for that semester shall be retroactively calculated using the new cost report, and full payment at the recalculated rate shall be effected retroactively. Medicare-granted extensions for filing cost reports, if applicable, shall also apply to Medicaid cost reports. Payment for Medicaid compensable services made on behalf of Medicaid eligible persons is subject to the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. Further, nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act, provided the adjustment is consistent with legislative intent.

(1) Reimbursement to hospitals licensed under part I of chapter 395 must be made prospectively or on the basis of negotiation.

(a) Reimbursement for inpatient care is limited as provided for in s. 409.905(5), except as otherwise provided in this subsection. ~~for~~

1. When authorized by the General Appropriations Act, the agency may modify reimbursement rates for specific types of services or diagnoses, patient ages, and hospital provider types.

a. Unless otherwise provided in this section, the agency may not modify reimbursement rates for any individual hospital providing specialized services if those services are accounted for or reflected in the existing diagnosis-related groups used by the agency. The agency may modify reimbursement rates for specialized diagnosis-related group categories.

b. The agency may not modify reimbursement rates for statutory teaching hospitals as defined in s. 408.07(45) or the costs associated with graduate medical education if hospitals licensed under part I of chapter 395 receive funding through the Statewide Medicaid Graduate Medical Education program under s. 409.9111 or the disproportionate share program for teaching hospitals under s. 409.9113.

2. The agency may establish an alternative system of reimbursement for the diagnosis-related group-based prospective payment system for:

a. State-owned psychiatric hospitals.

b. Newborn hearing screening services.

c. Transplant services for which the agency may establish a global fee.

d. Patients with tuberculosis who have been resistant to therapy and are in need of long-term hospital-based treatment pursuant to a contract established under s. 392.62.

3. The agency shall modify reimbursement according to other methodologies recognized in the General Appropriations Act.

1. The raising of rate reimbursement caps, excluding rural hospitals.

2. Recognition of the costs of graduate medical education.

3. Other methodologies recognized in the General Appropriations Act.

~~During the years funds are transferred from the Department of Health, any reimbursement supported by such funds shall be subject to certification by the Department of Health that the hospital has complied with s. 381.0403.~~

The agency is authorized to receive funds from state entities, including, but not limited to, the Department of Health, local governments, and other local political subdivisions, for the purpose of making special exception payments, including federal matching funds, through the Medicaid inpatient reimbursement methodologies. Funds received from state entities or local governments for this purpose shall be separately accounted for and shall not be commingled with other state or local funds in any manner. The agency may certify all local governmental funds used as state match under Title XIX of the Social Security Act, to the extent that the identified local health care provider that is otherwise entitled to and is contracted to receive such local funds is the benefactor under the state's Medicaid program as determined under the General Appropriations Act and pursuant to an agreement between the Agency for Health Care Administration and the local governmental entity. The local governmental entity shall use a certification form prescribed by the agency. At a minimum, the certification form shall identify the amount being certified and describe the relationship between the certifying local governmental entity and the local health care provider. The agency shall prepare an annual statement of impact which documents the specific activities undertaken during the previous fiscal year pursuant to this paragraph, to be submitted to the Legislature no later than January 1, annually.

Section 5. Paragraph (a) of subsection (2) and paragraph (d) of subsection (4) of section 409.911, Florida Statutes, are amended to read:

409.911 Disproportionate share program.—Subject to specific allocations established within the General Appropriations Act and any limitations established pursuant to chapter 216, the agency shall distribute, pursuant to this section, moneys to hospitals providing a disproportionate share of Medicaid or charity care services by making quarterly Medicaid payments as required. Notwithstanding the provisions of s. 409.915, counties are exempt from contributing toward the cost of this special reimbursement for hospitals serving a disproportionate share of low-income patients.

(2) The Agency for Health Care Administration shall use the following actual audited data to determine the Medicaid days and charity care to be used in calculating the disproportionate share payment:

(a) The average of the 2005 2004, 2006 2005, and 2007 2006 audited disproportionate share data to determine each hospital's Medicaid days and charity care for the 2013-2014 2012-2013 state fiscal year.

(4) The following formulas shall be used to pay disproportionate share dollars to public hospitals:

(d) Any nonstate government owned or operated hospital eligible for payments under this section on July 1, 2011, remains eligible for payments during the 2013-2014 2012-2013 state fiscal year.

Section 6. Section 409.9111, Florida Statutes, is created to read:

409.9111 Statewide Medicaid Graduate Medical Education program.—The Statewide Medicaid Graduate Medical Education program is

established to improve access to and quality of care for Medicaid beneficiaries, support graduate medical education on an equitable basis, and increase the supply of highly-trained physicians statewide. The agency shall make quarterly Medicaid payments to hospitals, licensed under part I of chapter 395, for their costs associated with providing graduate medical education in each fiscal year that an appropriation is made for this purpose.

(1) On or before July 15 of each year a hospital participating in the Statewide Medicaid Graduate Medical Education program shall provide the agency with the number of medical interns, residents, and fellows reported in the hospital's most recently filed CMS-2522-10 Medicare cost report; the number and type of graduate medical education programs accredited by the Accreditation Council for Graduate Medical Education or the Council on Postdoctoral Training of the American Osteopathic Association in which the medical interns, residents, and fellows participate; and the direct graduate medical education costs as reported for Medicaid in the hospital's most recently filed CMS-2522-10 Medicare cost report.

(2) The agency shall calculate an allocation fraction to be used for distributing funds to participating hospitals. The allocation fraction for each hospital shall be determined by the following primary factors:

(a) The number of full-time equivalent residents. For purposes of this section, the term "resident" means the number of unweighted full-time equivalent allopathic and osteopathic medical interns, residents, and fellows enrolled in a program accredited by the Accreditation Council for Graduate Medical Education or the Council on Postdoctoral Training of the American Osteopathic Association as reported in the hospital's most recently filed CMS-2522-10 Medicare cost report.

(b) Medicaid payments. For purposes of this section, the term "Medicaid payments" means a hospital's direct medical education costs divided by total facility costs as reported in the most recently filed CMS-2522-10 Medicare cost report multiplied by the hospital's Medicaid reimbursements.

(3) On or before October 1 of each year, the agency shall use the following formula to calculate a participating hospital's allocation fraction:

$$THAF = [(HFTE/TFTE) \times 0.5] + [(HGMP/TGMP) \times 0.5]$$

Where:

THAF = A hospital's total allocation fraction.

HFTE = A hospital's total number of full-time equivalent residents.

TFTE = The sum of all participating hospitals' full-time equivalent residents.

HGMP = A hospital's total Graduate Medical Education payments attributable to Medicaid.

TGMP = The sum of all participating hospitals' total Graduate Medical Education payments attributable to Medicaid.

(4) The agency may adopt rules to administer this section.

Section 7. Paragraphs (b) and (c) of subsection (2) of section 409.9118, Florida Statutes, are amended, and paragraph (d) is added to that subsection, to read:

409.9118 Disproportionate share program for specialty hospitals.—The Agency for Health Care Administration shall design and implement a system of making disproportionate share payments to those hospitals licensed in accordance with part I of chapter 395 as a specialty hospital which meet all requirements listed in subsection (2). Notwithstanding s. 409.915, counties are exempt from contributing toward the cost of this special reimbursement for patients.

(2) In order to receive payments under this section, a hospital must be licensed in accordance with part I of chapter 395, to participate in the Florida Title XIX program, and meet the following requirements:

(b) Receive ~~all of its~~ inpatient clients through referrals or admissions from county public health departments, as defined in chapter 154.

(c) Require a diagnosis for the control of active tuberculosis or a history of noncompliance with prescribed drug regimens for treatment of tuberculosis a communicable disease for ~~all~~ admissions for inpatient treatment.

(d) Retain a contract with the Department of Health to accept clients for admission and inpatient treatment pursuant to s. 392.62.

Section 8. This act shall take effect July 1, 2013.

## TITLE AMENDMENT

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to Medicaid; repealing s. 381.0403, F.S., relating to the Community Hospital Education Act; amending s. 395.602, F.S.; modifying the timeframe and requirements for the designation of a rural hospital; amending s. 409.905, F.S.; providing a prospective payment methodology for establishing hospital reimbursement rates; specifying dates by which local governmental entities must submit letters of agreement for intergovernmental transfers; deleting a requirement to develop a plan to convert Medicaid inpatient hospital rates to diagnosis-related groups; specifying dates by which the Agency for Health Care Administration must correct errors in rate calculations for inpatient and outpatient reimbursement rates; amending s. 409.908, F.S.; revising the current hospital inpatient reimbursement system to a diagnosis-related group system; amending s. 409.911, F.S.; revising the years of audited data used to determine Medicaid and charity care days for hospitals in the disproportionate share program; continuing Medicaid disproportionate share program distributions for nonstate government-owned or operated hospitals eligible for payment on a specified date; creating s. 409.9111, F.S.; establishing the Statewide Medicaid Graduate Medical Education program; requiring hospitals participating in the program to provide certain information to the agency; requiring the agency to allocate funds to hospitals based on certain criteria; providing a formula for calculating a participating hospital's allocation; authorizing the Agency for Health Care Administration to adopt rules; amending s. 409.9118, F.S.; revising the Medicaid disproportionate share program distribution criteria for specialty hospitals related to tuberculosis patient services; providing an effective date.

Rep. Hudson moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

**SB 1518**—A bill to be entitled An act relating to Department of Children and Families; amending s. 394.9082, F.S.; providing for the carrying forward, expenditure, and return of unexpended funds paid to entities contracting with the department to manage the delivery of behavioral health services; amending s. 409.16713, F.S.; revising recurring core services funding for community-based care lead agencies; providing an effective date.

—was read the second time by title.

Representative Hudson offered the following:

(Amendment Bar Code: 719975)

**Amendment 1 (with title amendment)**—Remove everything after the enacting clause and insert:

Section 1. Subsections (3) and (4) of section 409.16713, Florida Statutes, are amended to read:

409.16713 Allocation of funds for community-based care lead agencies.—

(3) Beginning in the 2013-2014 ~~2011-2012~~ state fiscal year, 90.75 ~~90.75~~ percent of the recurring core services funding for each community-based care lead agency shall be based on the prior year recurring base of core services funds and 10.25 ~~10.25~~ percent shall be based on the equity allocation model.

(4) Except as otherwise specified in the General Appropriations Act For the 2011-2012 state fiscal year, any new core services funds shall be allocated based on the equity allocation model. Such allocations shall be proportional to the proportion of funding based on the equity model and allocated only to the community-based care lead agency contracts where the current funding proportion is less than the proportion of funding based on the equity model.

Section 2. This act shall take effect July 1, 2013.

## TITLE AMENDMENT

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to community-based care; amending s. 409.16713, F.S.; revising allocations of recurring core services funding for community-based care lead agencies; providing an effective date.

Rep. Hudson moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

**SB 1514**—A bill to be entitled An act relating to education funding; amending s. 1002.32, F.S.; deleting an obsolete provision; amending s. 1002.3305, F.S.; revising a definition; authorizing the state's program of education to receive state and federal funding that may be transferred between state agencies to provide for operations of the college-preparatory boarding academy; authorizing the college-preparatory boarding academy to enter into an agreement with the Department of Children and Families to admit certain students and to develop an alternative admissions process; amending s. 1002.45, F.S.; authorizing a district to report full-time equivalent membership for credit earned by a student who is enrolled in a virtual education course under certain circumstances; amending s. 1003.498, F.S.; authorizing a district to report full-time equivalent membership for credit earned by a student who is enrolled in a virtual education course under certain circumstances; amending s. 1011.61, F.S.; revising the definition of the term "full-time equivalent student" as it relates to the Florida Education Finance Program; amending s. 1011.62, F.S.; revising the fiscal years in which certain school districts may use funds for supplemental academic instruction and research-based reading instruction to provide additional intensive reading instruction; revising the rate of nonvoted current operating discretionary millage that is used to calculate a discretionary millage compression supplement; eliminating the annual virtual education contribution in the Florida Education Finance Program; amending s. 1011.71, F.S.; conforming a cross-reference; authorizing a district school board to levy additional millage for critical capital outlay needs under certain circumstances; deleting a provision that prohibits additional millage and state funds from being included in the calculation of the Florida Education Finance Program; deleting a provision that authorizes the districts to levy millage that was authorized by the voters in the 2010 general election; amending s. 1011.80, F.S.; revising the funding for operation of workforce education programs with regard to students who are coenrolled in a K-12 education program and an adult education program; amending s. 1013.64, F.S.; revising the capital outlay full-time equivalent membership used to calculate the amount that district school boards receive from the Public Education Capital Outlay and Debt Service Trust Fund; specifying the formula to be used for the 2012-2013 fiscal year in calculating the alternate compliance calculation amounts to the class size operating categorical fund, notwithstanding certain other provisions of law; requiring that the Commissioner of Education modify payments to school districts; providing effective dates.

—was read the second time by title.

Representative Fresen offered the following:

(Amendment Bar Code: 319973)

**Amendment 1 (with title amendment)**—Remove everything after the enacting clause and insert:

Section 1. Paragraph (j) of subsection (7) and subsection (8) of section 11.45, Florida Statutes, are amended to read:

11.45 Definitions; duties; authorities; reports; rules.—

(7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

(j) The Auditor General shall notify the Legislative Auditing Committee of any financial or operational audit report prepared pursuant to this section which indicates that a state university or Florida College System institution has failed to take full corrective action in response to a recommendation that was included in the two preceding financial or operational audit reports.

1. The committee may direct the governing body of the state university or Florida College System institution to provide a written statement to the committee explaining why full corrective action has not been taken or, if the

governing body intends to take full corrective action, describing the corrective action to be taken and when it will occur.

2. If the committee determines that the written statement is not sufficient, the committee may require the chair of the governing body of the state university or Florida College System institution, or the chair's designee, to appear before the committee.

3. If the committee determines that the state university or Florida College System institution has failed to take full corrective action for which there is no justifiable reason or has failed to comply with committee requests made pursuant to this section, the committee shall refer the matter to the State Board of Education or the Board of Governors, as appropriate, to proceed in accordance with ss. 1008.32 and 1008.322, respectively ~~may proceed in accordance with s. 11.40(2).~~

(8) RULES OF THE AUDITOR GENERAL.—The Auditor General, in consultation with the Board of Accountancy, shall adopt rules for the form and conduct of all financial audits performed by independent certified public accountants pursuant to ss. 215.981, 218.39, 1001.453, 1004.28, and 1004.70. The rules for audits of local governmental entities, charter schools, charter technical career centers, ~~and~~ district school boards, Florida College System institutions, and State University System institutions must include, but are not limited to, requirements for the reporting of information necessary to carry out the purposes of the Local Governmental Entity, Charter School, Charter Technical Career Center, ~~and~~ District School Board, Florida College System Institution, and State University System Institution Financial Emergencies Act as stated in s. 218.501.

Section 2. Section 218.50, Florida Statutes, is amended to read:

218.50 Short title.—Sections 218.50-218.504 may be cited as the "Local Governmental Entity, Charter School, Charter Technical Career Center, ~~and~~ District School Board, Florida College System Institution, and State University System Institution Financial Emergencies Act."

Section 3. Section 218.501, Florida Statutes, is amended to read:

218.501 Purposes.—The purposes of ss. 218.50-218.504 are:

(1) To promote the fiscal responsibility of local governmental entities, charter schools, charter technical career centers, ~~and~~ district school boards, Florida College System institutions, and State University System institutions.

(2) To assist local governmental entities, charter schools, charter technical career centers, ~~and~~ district school boards, Florida College System institutions, and State University System institutions in providing essential services without interruption and in meeting their financial obligations.

(3) To assist local governmental entities, charter schools, charter technical career centers, ~~and~~ district school boards, Florida College System institutions, and State University System institutions through the improvement of local financial management procedures.

Section 4. Section 218.503, Florida Statutes, is amended to read:

218.503 Determination of financial emergency.—

(1) Local governmental entities, charter schools, charter technical career centers, ~~and~~ district school boards, Florida College System institutions, and State University System institutions shall be subject to review and oversight by the Governor, the charter school sponsor, the charter technical career center sponsor, ~~or~~ the Commissioner of Education, the Chancellor of the Florida College System, or the Chancellor of the State University System, as appropriate, when any one of the following conditions occurs:

(a) Failure within the same fiscal year in which due to pay short-term loans or failure to make bond debt service or other long-term debt payments when due, as a result of a lack of funds.

(b) Failure to pay uncontested claims from creditors within 90 days after the claim is presented, as a result of a lack of funds.

(c) Failure to transfer at the appropriate time, due to lack of funds:

1. Taxes withheld on the income of employees; or

2. Employer and employee contributions for:

a. Federal social security; or

b. Any pension, retirement, or benefit plan of an employee.

(d) Failure for one pay period to pay, due to lack of funds:

1. Wages and salaries owed to employees; or

2. Retirement benefits owed to former employees.

(2) A local governmental entity shall notify the Governor and the Legislative Auditing Committee; a charter school shall notify the charter



school sponsor, the Commissioner of Education, and the Legislative Auditing Committee; a charter technical career center shall notify the charter technical career center sponsor, the Commissioner of Education, and the Legislative Auditing Committee; ~~and~~ a district school board shall notify the Commissioner of Education and the Legislative Auditing Committee; a Florida College System institution shall notify the Chancellor of the Florida College System and the Legislative Auditing Committee; and a State University System institution shall notify the Chancellor of the State University System and the Legislative Auditing Committee, when one or more of the conditions specified in subsection (1) have occurred or will occur if action is not taken to assist the local governmental entity, charter school, charter technical career center, ~~or~~ district school board, Florida College System institution, or State University System institution. In addition, any state agency must, within 30 days after a determination that one or more of the conditions specified in subsection (1) have occurred or will occur if action is not taken to assist the local governmental entity, charter school, charter technical career center, ~~or~~ district school board, Florida College System institution, or State University System institution. notify the Governor, charter school sponsor, charter technical career center sponsor, ~~or the~~ Commissioner of Education, Chancellor of the Florida College System, or Chancellor of the State University System, as appropriate, and the Legislative Auditing Committee.

(3) Upon notification that one or more of the conditions in subsection (1) have occurred or will occur if action is not taken to assist the local governmental entity, ~~or~~ district school board, Florida College System institution, or State University System institution, the Governor or his or her designee shall contact the local governmental entity, ~~or~~ the Commissioner of Education or his or her designee shall contact the district school board, the Chancellor of the Florida College System shall contact the president of the Florida College System institution, or the Chancellor of the State University System shall contact the president of the State University System institution to determine what actions have been taken ~~by the local governmental entity or the district school board~~ to resolve or prevent the condition. The information requested must be provided within 45 days after the date of the request. If the local governmental entity or the district school board does not comply with the request, the Governor or his or her designee or the Commissioner of Education or his or her designee shall notify the members of the Legislative Auditing Committee who may take action pursuant to s. 11.40. If the Florida College System institution or the State University System institution does not comply with the request, the Chancellor of the Florida College System or the Chancellor of the State University System shall notify the members of the Legislative Auditing Committee who may take action pursuant to s. 11.45(7)(j)3. The Governor, ~~or~~ the Commissioner of Education, the Chancellor of the Florida College System, or the Chancellor of the State University System, as appropriate, shall determine whether the local governmental entity, ~~or the~~ district school board, Florida College System institution, or State University System institution needs state assistance to resolve or prevent the condition. If state assistance is needed, the local governmental entity, ~~or~~ district school board, Florida College System institution, or State University System institution is considered to be in a state of financial emergency. The Governor, ~~or~~ the Commissioner of Education, the Chancellor of the Florida College System, or the Chancellor of the State University System, as appropriate, has the authority to implement measures as set forth in ss. 218.50-218.504 to assist ~~the local governmental entity or district school board~~ in resolving the financial emergency. Such measures may include, but are not limited to:

(a) Requiring approval of the local governmental entity's budget by the Governor, ~~or~~ approval of the district school board's budget by the Commissioner of Education, approval of the Florida College System institution's budget by the Chancellor of the Florida College System, or approval of the State University System institution's budget by the Chancellor of the State University System.

(b) Authorizing a state loan to a local governmental entity and providing for repayment of same.

(c) Prohibiting a local governmental entity, ~~or~~ district school board, Florida College System institution, or State University System institution

from issuing bonds, notes, certificates of indebtedness, or any other form of debt until such time as it is no longer subject to this section.

(d) Making such inspections and reviews of records, information, reports, and assets of the local governmental entity, ~~or~~ district school board, Florida College System institution, or State University System institution as are needed. The appropriate local officials shall cooperate in such inspections and reviews.

(e) Consulting with officials and auditors of the local governmental entity, ~~or the~~ district school board, Florida College System institution, or State University System institution and the appropriate state officials regarding any steps necessary to bring the books of account, accounting systems, financial procedures, and reports into compliance with state requirements.

(f) Providing technical assistance to the local governmental entity, ~~or the~~ district school board, Florida College System institution, or State University System institution.

(g)1. Establishing a financial emergency board to oversee the activities of the local governmental entity, ~~or the~~ district school board, Florida College System institution, or State University System institution. If a financial emergency board is established for a local governmental entity, the Governor shall appoint board members and select a chair. If a financial emergency board is established for a district school board, the State Board of Education shall appoint board members and select a chair. If a financial emergency board is established for a Florida College System institution, the Chancellor of the Florida College System shall appoint board members and select a chair. If a financial emergency board is established for a State University System institution, the Chancellor of the State University System shall appoint board members and select a chair. The financial emergency board shall adopt such rules as are necessary for conducting board business. The board may:

a. Make such reviews of records, reports, and assets of the local governmental entity, ~~or the~~ district school board, Florida College System institution, or State University System institution as are needed.

b. Consult with officials and auditors of the local governmental entity, ~~or the~~ district school board, Florida College System institution, or State University System institution and the appropriate state officials regarding any steps necessary to bring the books of account, accounting systems, financial procedures, and reports of the local governmental entity, ~~or the~~ district school board, Florida College System institution, or State University System institution into compliance with state requirements.

c. Review the operations, management, efficiency, productivity, and financing of functions and operations of the local governmental entity, ~~or the~~ district school board, Florida College System institution, or State University System institution.

d. Consult with other governmental entities for the consolidation of all administrative direction and support services, including, but not limited to, services for asset sales, economic and community development, building inspections, parks and recreation, facilities management, engineering and construction, insurance coverage, risk management, planning and zoning, information systems, fleet management, and purchasing.

2. The recommendations and reports made by the financial emergency board must be submitted to the Governor for local governmental entities, ~~or~~ to the Commissioner of Education and the State Board of Education for district school boards, to the Chancellor of the Florida College System for Florida College System institutions, or to the Chancellor of the State University System for State University System institutions for appropriate action.

(h) Requiring and approving a plan, to be prepared by officials of the local governmental entity, ~~or the~~ district school board, Florida College System institution, or State University System institution in consultation with the appropriate state officials, prescribing actions that will cause the local governmental entity, ~~or~~ district school board, Florida College System institution, or State University System institution to no longer be subject to this section. The plan must include, but need not be limited to:

1. Provision for payment in full of obligations outlined in subsection (1), designated as priority items, which are currently due or will come due.

2. Establishment of priority budgeting or zero-based budgeting in order to eliminate items that are not affordable.

3. The prohibition of a level of operations which can be sustained only with nonrecurring revenues.



4. Provisions implementing the consolidation, sourcing, or discontinuance of all administrative direction and support services, including, but not limited to, services for asset sales, economic and community development, building inspections, parks and recreation, facilities management, engineering and construction, insurance coverage, risk management, planning and zoning, information systems, fleet management, and purchasing.

(4)(a) Upon notification that one or more of the conditions in subsection (1) have occurred or will occur if action is not taken to assist the charter school, the charter school sponsor or the sponsor's designee and the Commissioner of Education shall contact the charter school governing body to determine what actions have been taken by the charter school governing body to resolve or prevent the condition. The Commissioner of Education has the authority to require and approve a financial recovery plan, to be prepared by the charter school governing body, prescribing actions that will resolve or prevent the condition.

(b) Upon notification that one or more of the conditions in subsection (1) have occurred or will occur if action is not taken to assist the charter technical career center, the charter technical career center sponsor or the sponsor's designee and the Commissioner of Education shall contact the charter technical career center governing body to determine what actions have been taken by the governing body to resolve or prevent the condition. The Commissioner of Education may require and approve a financial recovery plan, to be prepared by the charter technical career center governing body, prescribing actions that will resolve or prevent the condition.

(c) The Commissioner of Education shall determine if the charter school or charter technical career center needs a financial recovery plan to resolve the condition. If the Commissioner of Education determines that a financial recovery plan is needed, the charter school or charter technical career center is considered to be in a state of financial emergency.

The Department of Education, with the involvement of sponsors, charter schools, and charter technical career centers, shall establish guidelines for developing a financial recovery plan.

(5) A local governmental entity, ~~or~~ district school board, Florida College System institution, or State University System institution may not seek application of laws under the bankruptcy provisions of the United States Constitution except with the prior approval of the Governor for local governmental entities, ~~or~~ the Commissioner of Education for district school boards, the Chancellor of the Florida College System for a Florida College System institution, or the Chancellor of the State University System for a State University System institution.

(6) The failure of the members of the governing body of a local governmental entity, ~~or~~ the failure of the members of a district school board, the failure of a Florida College System institution's board of trustees, or the failure of a State University System institution's board of trustees to resolve a state of financial emergency constitutes malfeasance, misfeasance, and neglect of duty for purposes of s. 7, Art. IV of the State Constitution.

Section 5. Section 218.504, Florida Statutes, is amended to read:

218.504 Cessation of state action.—The Governor, ~~or~~ the Commissioner of Education, the Chancellor of the Florida College System, or the Chancellor of the State University System, as appropriate, has the authority to terminate all state actions pursuant to ss. 218.50-218.504. Cessation of state action must not occur until the Governor, ~~or~~ the Commissioner of Education, the Chancellor of the Florida College System, or the Chancellor of the State University System, as appropriate, has determined that:

(1) The local governmental entity, charter school, charter technical career center, ~~or~~ district school board, Florida College System institution, or State University System institution:

(a) Has established and is operating an effective financial accounting and reporting system.

(b) Has resolved the conditions outlined in s. 218.503(1).

(2) None of the conditions outlined in s. 218.503(1) exists.

Section 6. Section 1001.27, Florida Statutes, is repealed.

Section 7. Subsections (8) and (9) of section 1001.28, Florida Statutes, are amended to read:

1001.28 Distance learning duties.—The duties of the Department of Education concerning distance learning include, but are not limited to, the duty to:

~~(8) Manage the state's satellite transponder resources and enter into lease agreements to maximize the use of available transponder time. All net revenue realized through the leasing of available transponder time, after deducting the costs of performing the management function, shall be recycled to support the public education distance learning in this state based upon an allocation formula of one third to the Department of Education, one third to Florida College System institutions, and one third to state universities.~~

~~(9)~~ Hire appropriate staff which may include a position that shall be exempt from part II of chapter 110 and is included in the Senior Management Service in accordance with s. 110.205.

Nothing in this section shall be construed to abrogate, supersede, alter, or amend the powers and duties of any state agency, district school board, Florida College System institution board of trustees, university board of trustees, the Board of Governors, or the State Board of Education.

Section 8. Subsection (2) of section 1001.281, Florida Statutes, is amended to read:

1001.281 Operating Trust Fund.—

(2) The fund is established for use as a depository for funds to be used for program operations funded by program revenues. Moneys to be credited to the trust fund include, but are not limited to, revenues received from the payment of fees associated with high school equivalency examinations ~~leasing of available transponder time for the state's satellite transponder resources.~~

Section 9. Subsection (23) of section 1001.42, Florida Statutes, is amended to read:

1001.42 Powers and duties of district school board.—The district school board, acting as a board, shall exercise all powers and perform all duties listed below:

(23) ~~FLORIDA VIRTUAL INSTRUCTION SCHOOL~~.—Provide students with access to courses available through a virtual instruction program option or the Florida Virtual School and award credit for successful completion of such courses. ~~Access shall be available to students during and after the normal school day and through summer school enrollment.~~

Section 10. Section 1001.7065, Florida Statutes, is created to read:

1001.7065 Preeminent state research universities program.—

(1) STATE UNIVERSITY SYSTEM SHARED GOVERNANCE COLLABORATION.—A collaborative partnership is established between the Board of Governors and the Legislature to elevate the academic and research preeminence of Florida's highest-performing state research universities in accordance with this section. The partnership stems from the State University System Governance Agreement executed on March 24, 2010, wherein the Board of Governors and leaders of the Legislature agreed to a framework for the collaborative exercise of their joint authority and shared responsibility for the State University System. The governance agreement confirmed the commitment of the Board of Governors and the Legislature to continue collaboration on accountability measures, the use of data, and recommendations derived from such data.

(2) ACADEMIC AND RESEARCH EXCELLENCE STANDARDS.—Effective July 1, 2013, the following academic and research excellence standards are established for the preeminent state research universities program:

(a) An average weighted grade point average of 4.0 or higher on a 4.0 scale and an average SAT score of 1800 or higher for fall semester incoming freshmen, as reported annually.

(b) A top-50 ranking on at least two well-known and highly respected national public university rankings, reflecting national preeminence, using most recent rankings.

(c) A freshman retention rate of 90 percent or higher for full-time, first-time-in-college students, as reported annually to the Integrated Postsecondary Education Data System (IPEDS).

(d) A 6-year graduation rate of 70 percent or higher for full-time, first-time-in-college students, as reported annually to the IPEDS.

(e) Six or more faculty members at the state university who are members of a national academy, as reported by the Center for Measuring University

Performance in the Top American Research Universities (TARU) annual report.

(f) Total annual research expenditures, including federal research expenditures, of \$200 million or more, as reported annually by the National Science Foundation (NSF).

(g) Total annual research expenditures in diversified nonmedical sciences of \$150 million or more, based on data reported annually by the NSF.

(h) A top-100 university national ranking for research expenditures in five or more science, technology, engineering, or mathematics fields of study, as reported annually by the NSF.

(i) One hundred or more total patents awarded by the United States Patent and Trademark Office for the most recent 3-year period.

(j) Four hundred or more doctoral degrees awarded annually, as reported in the Board of Governors Annual Accountability Report.

(k) Two hundred or more postdoctoral appointees annually, as reported in the TARU annual report.

(l) An endowment of \$500 million or more, as reported in the Board of Governors Annual Accountability Report.

(3) PREEMINENT STATE RESEARCH UNIVERSITY DESIGNATION.—The Board of Governors shall designate each state research university that meets at least 11 of the 12 academic and research excellence standards identified in subsection (2) a preeminent state research university.

(4) PREEMINENT STATE RESEARCH UNIVERSITY INSTITUTE FOR ONLINE LEARNING.—The state research university that has attained the highest level on the academic and research excellence standards identified in subsection (2), as verified by the Board of Governors, shall establish an institute for online learning. The institute shall establish a robust offering of high-quality, fully online baccalaureate degree programs at an affordable cost in accordance with this subsection.

(a) By August 1, 2013, the Board of Governors shall convene an advisory board to support the development of high-quality, fully online baccalaureate degree programs at the preeminent university.

(b) The advisory board shall:

1. Offer expert advice, as requested by the preeminent university, in the development and implementation of a business plan to expand the offering of high-quality, fully online baccalaureate degree programs.

2. Authorize the release of funding to the preeminent university upon approval by the Board of Governors of the plan developed by the preeminent university.

3. Monitor, evaluate, and report on the implementation of the plan to the Board of Governors, the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(c) The advisory board shall be composed of the following five members:

1. The chair of the Board of Governors or the chair's permanent designee.

2. A member with expertise in online learning, appointed by the Board of Governors.

3. A member with expertise in global marketing, appointed by the Governor.

4. A member with expertise in cloud virtualization, appointed by the President of the Senate.

5. A member with expertise in disruptive innovation, appointed by the Speaker of the House of Representatives.

(d) The president of the preeminent university shall be consulted on the advisory board member appointments.

(e) A majority of the advisory board shall constitute a quorum, elect the chair, and appoint an executive director.

(f) By September 1, 2013, the university shall submit to the advisory board a comprehensive plan to expand high-quality, fully online baccalaureate degree program offerings. The plan shall include:

1. Existing on-campus general education courses and baccalaureate degree programs that will be offered online.

2. New courses that will be developed and offered online.

3. Support services that will be offered to students enrolled in online baccalaureate degree programs.

4. A tuition and fee structure that meets the requirements in paragraph (k) for online courses, baccalaureate degree programs, and student support services.

5. A timeline for offering, marketing, and enrolling students in the online baccalaureate degree programs.

6. A budget for developing and marketing the online baccalaureate degree programs.

7. Detailed strategies for ensuring the success of students and the sustainability of the online baccalaureate degree programs.

Upon recommendation of the plan by the advisory board and approval by the Board of Governors, the Board of Governors shall award the university \$10 million in nonrecurring funds and \$5 million in recurring funds for fiscal year 2013-2014 and \$5 million annually thereafter, subject to appropriation in the General Appropriations Act.

(g) Beginning in January 2014, the university shall offer high-quality, fully online baccalaureate degree programs that:

1. Accept full-time, first-time-in-college students.

2. Have the same rigorous admissions criteria as equivalent on-campus degree programs.

3. Offer curriculum of equivalent rigor to on-campus degree programs.

4. Offer rolling enrollment or multiple opportunities for enrollment throughout the year.

5. Do not require any on-campus courses. However, for courses or programs that require clinical training or laboratories that cannot be delivered online, the university shall offer convenient locational options to the student, which may include, but are not limited to, the option to complete such requirements at a summer-in-residence on the university campus. The university may provide a network of sites at convenient locations and contract with commercial testing centers or identify other secure testing services for the purpose of proctoring assessments or testing.

6. Apply the university's existing policy for accepting credits for both freshman applicants and transfer applicants.

(h) The university may offer a fully online Masters in Business Administration degree program and other master's degree programs.

(i) The university may develop and offer degree programs and courses that are competency based as appropriate for the quality and success of the program.

(j) The university shall periodically expand its offering of online baccalaureate degree programs to meet student and market demands.

(k) The university shall establish a tuition structure for its online institute in accordance with this paragraph, notwithstanding any other provision of law.

1. For students classified as residents for tuition purposes, tuition for an online baccalaureate degree program shall be set at no more than 75 percent of the tuition rate as specified in the General Appropriations Act pursuant to s. 1009.24(4) and 75 percent of the tuition differential pursuant to s. 1009.24(16). No distance learning fee, fee for campus facilities, or fee for on-campus services may be assessed, except that online students shall pay the university's technology fee, financial aid fee, and Capital Improvement Trust Fund fee. The revenues generated from the Capital Improvement Trust Fund fee shall be dedicated to the university's institute for online learning.

2. For students classified as nonresidents for tuition purposes, tuition may be set at market rates in accordance with the business plan.

3. Tuition for an online degree program shall include all costs associated with instruction, materials, and enrollment, excluding costs associated with the provision of textbooks pursuant to s. 1004.085 and physical laboratory supplies.

4. Subject to the limitations in subparagraph 1., tuition may be differentiated by degree program as appropriate to the instructional and other costs of the program in accordance with the business plan. Pricing must incorporate innovative approaches that incentivize persistence and completion, including, but not limited to, a fee for assessment, a bundled or all-inclusive rate, and sliding scale features.

5. The university must accept advance payment contracts and student financial aid.

6. Fifty percent of the net revenues generated from the online institute of the university shall be used to enhance and enrich the online institute offerings.

and 50 percent of the net revenues generated from the online institute shall be used to enhance and enrich the university's campus state-of-the-art research programs and facilities.

7. The institute may charge additional local user fees pursuant to s. 1009.24(14) upon the approval of the Board of Governors.

8. The institute shall submit a proposal to the president of the university authorizing additional user fees for the provision of voluntary student participation in activities and additional student services.

(5) PREEMINENT STATE RESEARCH UNIVERSITY SUPPORT.—The state research university that has attained the highest level on the academic and research excellence standards identified in subsection (2), as verified by the Board of Governors, shall submit to the Board of Governors a 5-year benchmark plan with target rankings on key performance metrics for national excellence. Upon approval by the Board of Governors, and upon the university's meeting the benchmark plan goals annually, the Board of Governors shall award the university \$15 million annually throughout the 5-year period. Funding for this purpose is contingent upon specific appropriation in the General Appropriations Act.

(6) PREEMINENT STATE RESEARCH UNIVERSITY ENHANCEMENT INITIATIVE.—The state research university that has attained the second highest level on the academic and research excellence standards identified in subsection (2), as verified by the Board of Governors, shall submit to the Board of Governors a 5-year benchmark plan with target rankings on key performance metrics for national excellence. Upon the university's meeting the benchmark plan goals annually, the Board of Governors shall award the university \$12.5 million annually throughout the 5-year period for the purpose of recruiting National Academy Members, expediting the provision of a master's degree in cloud virtualization, and instituting an entrepreneurs-in-residence program throughout its campus. Funding for this purpose is contingent upon specific appropriation in the General Appropriations Act.

(7) PREEMINENT STATE RESEARCH UNIVERSITY SPECIAL COURSE REQUIREMENT AUTHORITY.—In order to provide a jointly shared educational experience, a university that is designated a preeminent state research university may require its incoming first-time-in-college students to take a 9-to-12-credit set of unique courses specifically determined by the university and published on the university's website. The university may stipulate that credit for such courses may not be earned through any acceleration mechanism pursuant to s. 1007.27 or s. 1007.271 or any other transfer credit. All accelerated credits earned up to the limits specified in ss. 1007.27 and 1007.271 shall be applied toward graduation at the student's request.

(8) PREEMINENT STATE RESEARCH UNIVERSITY FLEXIBILITY AUTHORITY.—The Board of Governors is encouraged to identify and grant all reasonable, feasible authority and flexibility to ensure that a designated preeminent state research university is free from unnecessary restrictions.

(9) PROGRAMS OF EXCELLENCE THROUGHOUT THE STATE UNIVERSITY SYSTEM.—The Board of Governors is encouraged to establish standards and measures whereby individual programs in state universities that objectively reflect national excellence can be identified and make recommendations to the Legislature as to how any such programs could be enhanced and promoted.

Section 11. Paragraph (a) of subsection (3), subsection (6), and paragraph (b) of subsection (8) of section 1002.37, Florida Statutes, are amended to read: 1002.37 The Florida Virtual School. —

(3) Funding for the Florida Virtual School shall be provided as follows:

(a)1. For a student in grades 9 through 12, a "full-time equivalent student" is one student who has successfully completed six full-credit courses that count toward the minimum number of credits required for high school graduation. A student who completes fewer than six full-credit courses is a fraction of a full-time equivalent student. Half-credit course completions shall be included in determining a full-time equivalent student. ~~Credit completed by a student in excess of the minimum required for that student for high school graduation is not eligible for funding.~~

2. For a student in kindergarten through grade 8, a "full-time equivalent student" is one student who has successfully completed six courses or the prescribed level of content that counts toward promotion to the next grade. A

student who completes fewer than six courses or the prescribed level of content shall be a fraction of a full-time equivalent student.

3. For a student in a home education program, funding shall be provided in accordance with this subsection upon course completion if the parent verifies, upon enrollment for each course, that the student is registered with the school district as a home education student pursuant to s. 1002.41(1)(a). Beginning in the 2016-2017 ~~2014-2015~~ fiscal year, ~~when s. 1008.22(3)(g) is implemented,~~ the reported full-time equivalent students and associated funding of students enrolled in courses requiring passage of an end-of-course assessment under s. 1003.4282 to earn a standard high school diploma shall be adjusted if ~~after~~ the student ~~does not pass~~ ~~completes~~ the end-of-course assessment. However, no adjustment shall be made for home education program students who choose not to take an end-of-course assessment ~~or for a student who enrolls in a segmented remedial course delivered online.~~

For purposes of this paragraph, the calculation of "full-time equivalent student" shall be as prescribed in s. 1011.61(1)(c)1.b.(V) and is subject to the requirements in s. 1011.61(4).

(6) The board of trustees shall annually submit to the Governor, the Legislature, the Commissioner of Education, and the State Board of Education a complete and detailed report setting forth:

(a) The operations and accomplishments of the Florida Virtual School within the state and those occurring outside the state as Florida Virtual School Global.

(b) The marketing and operational plan for the Florida Virtual School and Florida Virtual School Global, including recommendations regarding methods for improving the delivery of education through the Internet and other distance learning technology.

(c) The assets and liabilities of the Florida Virtual School and Florida Virtual School Global at the end of the fiscal year.

(d) A copy of an annual financial audit of the accounts and records of the Florida Virtual School and Florida Virtual School Global, conducted by an independent certified public accountant and performed in accordance with rules adopted by the Auditor General.

(e) Recommendations regarding the unit cost of providing services to students through the Florida Virtual School and Florida Virtual School Global. In order to most effectively develop public policy regarding any future funding of the Florida Virtual School, it is imperative that the cost of the program is accurately identified. The identified cost of the program must be based on reliable data.

(f) Recommendations regarding an accountability mechanism to assess the effectiveness of the services provided by the Florida Virtual School and Florida Virtual School Global.

(8)

(b) For students receiving part-time instruction in kindergarten through grade 5 and students receiving full-time instruction in kindergarten through grade 12 from the Florida Virtual School, the full-time equivalent student enrollment calculated under this subsection is subject to the requirements in s. 1011.61(4) ~~combined total of all FTE reported by both the school district and the Florida Virtual School may not exceed 1.0 FTE.~~

Section 12. Paragraphs (b), (c), and (d) of subsection (1), paragraph (a) of subsection (2), and subsection (7) of section 1002.45, Florida Statutes, are amended to read:

1002.45 Virtual instruction programs.—

(1) PROGRAM.—

(b) Each school district that is eligible for the sparsity supplement pursuant to s. 1011.62(7)(a) and (b) shall provide all enrolled public school students within its boundaries the option of participating in part-time and full-time virtual instruction programs. Each school district that is not eligible for the sparsity supplement pursuant to s. 1011.62(7)(a) and (b) shall provide at least three options for part-time and full-time virtual instruction. All school districts must provide parents with timely written notification of at least one open enrollment period for full-time students of 90 days or more which ends 30 days before the first day of the school year. The purpose of the program is to make quality virtual instruction available to students using online and distance learning technology in the nontraditional classroom. A school district virtual instruction program shall consist of the following:

1. Full-time and part-time virtual instruction for students enrolled in kindergarten through grade 12.

~~2. Part-time virtual instruction for students enrolled in kindergarten through grade 12 courses that are measured pursuant to subparagraph (8)(a)2.~~

~~2.3.~~ Full-time or part-time virtual instruction for students enrolled in dropout prevention and academic intervention programs under s. 1003.53, Department of Juvenile Justice education programs under s. 1003.52, core-curricula courses delivered in a virtual learning laboratory on a school campus to meet class size requirements under s. 1003.03, or Florida College System institutions under this section.

(c) To provide students with the option of participating in virtual instruction programs as required by paragraph (b), a school district may:

1. Contract with the Florida Virtual School or establish a franchise of the Florida Virtual School for the provision of a program under paragraph (b). Using this option is subject to the requirements of this section and s. 1011.61(1)(c)1.b.(III) and (IV) and (4) ~~1011.61(1)(c)1.b.(III) and (IV).~~

2. Contract with an approved provider under subsection (2) for the provision of a full-time or part-time program under paragraph (b) subparagraph (b)1. or subparagraph (b)3. or a part-time program under subparagraph (b)2. or subparagraph (b)3.

3. Enter into an agreement with other school districts to allow the participation of its students in an approved virtual instruction program provided by the other school district. The agreement must indicate a process for the transfer of funds required by paragraph (7)(f).

4. Establish school district operated part-time or full-time kindergarten through grade 12 virtual instruction programs under paragraph (b) for students enrolled in the school district. A full-time program shall operate under its own Master School Identification Number.

5. Enter into an agreement with a virtual charter school authorized by the school district under s. 1002.33.

Contracts under subparagraph 1. or subparagraph 2. may include multidistrict contractual arrangements that may be executed by a regional consortium for its member districts. A multidistrict contractual arrangement or an agreement under subparagraph 3. is not subject to s. 1001.42(4)(d) and does not require the participating school districts to be contiguous. These arrangements may be used to fulfill the requirements of paragraph (b).

(d) A virtual charter school may provide full-time virtual instruction for students in kindergarten through grade 12 if the virtual charter school has a charter approved pursuant to s. 1002.33 authorizing full-time virtual instruction. A virtual charter school may:

1. Contract with the Florida Virtual School.

2. Contract with an approved provider under subsection (2).

3. Enter into an agreement with a school district to allow the participation of the virtual charter school's students in the school district's virtual instruction program. The agreement must indicate a process for reporting of student enrollment and the transfer of funds required by paragraph (7)(f).

(2) PROVIDER QUALIFICATIONS.—

(a) The department shall annually publish online a list of providers approved to offer virtual instruction programs. To be approved by the department, a provider must document that it:

1. Is nonsectarian in its programs, admission policies, employment practices, and operations;

2. Complies with the antidiscrimination provisions of s. 1000.05;

~~3. Locates an administrative office or offices in this state, requires its administrative staff to be state residents,~~ Requires all instructional staff to be Florida-certified teachers under chapter 1012; and conducts background screenings for all employees or contracted personnel, as required by s. 1012.32, using state and national criminal history records;

~~4. Provides to parents and students specific information posted and accessible online that includes, but is not limited to, the following teacher-parent and teacher-student contact information for each course:~~

~~a. How to contact the instructor via phone, e-mail, or online messaging tools.~~

~~b. How to contact technical support via phone, e-mail, or online messaging tools.~~

~~c. How to contact the administration office via phone, e-mail, or online messaging tools.~~

~~d. Any requirement for regular contact with the instructor for the course and clear expectations for meeting the requirement.~~

~~e. The requirement that the instructor in each course must, at a minimum, conduct one contact via phone with the parent and the student each month.~~

~~5.4.~~ Possesses prior, successful experience offering online courses to elementary, middle, or high school students as demonstrated by quantified student learning gains in each subject area and grade level provided for consideration as an instructional program option. However, for a provider without sufficient prior, successful experience offering online courses, the department may conditionally approve the provider to offer courses measured pursuant to subparagraph (8)(a)2. Conditional approval shall be valid for 1 school year only and, based on the provider's experience in offering the courses, the department shall determine whether to grant approval to offer a virtual instruction program;

~~6.5.~~ Is accredited by a regional accrediting association as defined by State Board of Education rule;

~~7.6.~~ Ensures instructional and curricular quality through a detailed curriculum and student performance accountability plan that addresses every subject and grade level it intends to provide through contract with the school district, including:

a. Courses and programs that meet the standards of the International Association for K-12 Online Learning and the Southern Regional Education Board.

b. Instructional content and services that align with, and measure student attainment of, student proficiency in the Next Generation Sunshine State Standards.

c. Mechanisms that determine and ensure that a student has satisfied requirements for grade level promotion and high school graduation with a standard diploma, as appropriate;

~~8.7.~~ Publishes for the general public, in accordance with disclosure requirements adopted in rule by the State Board of Education, as part of its application as a provider and in all contracts negotiated pursuant to this section:

a. Information and data about the curriculum of each full-time and part-time program.

b. School policies and procedures.

c. Certification status and physical location of all administrative and instructional personnel.

d. Hours and times of availability of instructional personnel.

e. Student-teacher ratios.

f. Student completion and promotion rates.

g. Student, educator, and school performance accountability outcomes;

~~9.8.~~ If the provider is a Florida College System institution, employs instructors who meet the certification requirements for instructional staff under chapter 1012; and

~~10.9.~~ Performs an annual financial audit of its accounts and records conducted by an independent certified public accountant which is in accordance with rules adopted by the Auditor General, is conducted in compliance with generally accepted auditing standards, and includes a report on financial statements presented in accordance with generally accepted accounting principles.

(7) VIRTUAL INSTRUCTION PROGRAM AND VIRTUAL CHARTER SCHOOL FUNDING.—

(a) Students enrolled in a virtual instruction program or a virtual charter school shall be funded through the Florida Education Finance Program as provided in the General Appropriations Act. However, such funds may not be provided for the purpose of fulfilling the class size requirements in ss. 1003.03 and 1011.685.

(b) For purposes of a virtual instruction program or a virtual charter school, "full-time equivalent student" has the same meaning as provided in s. 1011.61(1)(c)1.b.(III) or (IV).

(c) For a student enrolled in a kindergarten through grade 12 virtual instruction program, a "full-time equivalent student" has the same meaning as provided in s. 1011.61(1)(c)1.b.(III) and (IV).

(d) The full-time equivalent student enrollment calculated under this subsection is subject to the requirements in s. 1011.61(4). A student may not be reported as more than 1.0 full-time equivalent student in any given school year.

(e) Beginning in the 2016-2017 2014-2015 fiscal year, ~~when s. 1008.22(3)(g) is implemented,~~ the reported full-time equivalent students and associated funding of students enrolled in courses requiring passage of an end-of-course assessment under s. 1003.4282 to earn a standard high school diploma shall be adjusted if after the student does not pass completes the end-of-course assessment. However, no adjustment shall be made for a student who enrolls in a segmented remedial course delivered online.

(f) The school district providing virtual instruction shall report full-time equivalent students for a virtual instruction program or a virtual charter school, including credits completed during the summer, to the department in a manner prescribed by the department, and funding shall be provided through the Florida Education Finance Program.

(g) A Florida College System institution provider may not report students who are served in a virtual instruction program for funding under the Florida College System Program Fund.

Section 13. Section 1003.498, Florida Statutes, is amended to read:

1003.498 School district virtual course offerings.—

(1) School districts may deliver courses in the traditional school setting by personnel certified pursuant to s. 1012.55 who provide direct instruction through virtual instruction or through blended learning courses consisting of both traditional classroom and online instructional techniques. Students in a blended learning course must be full-time students of the school and receive the online instruction in a classroom setting at the school. The funding, performance, and accountability requirements for blended learning courses are the same as those for traditional courses. To facilitate the delivery and coding of blended learning courses, the department shall provide identifiers for existing courses to designate that they are being used for blended learning courses for the purpose of ensuring the efficient reporting of such courses.

(2) School districts may offer virtual courses for students enrolled in the school district. These courses must be identified in the course code directory. Students who meet the eligibility requirements of s. 1002.455 may participate in these virtual course offerings.

(a) Any eligible student who is enrolled in a school district may register and enroll in an online course offered by his or her school district.

(b) Any eligible student who is enrolled in a school district may register and enroll in an online course offered by any other school district in the state, except as limited by the following:

1. A student may not enroll in a course offered through a virtual instruction program provided pursuant to s. 1002.45.

2. A student may not enroll in a virtual course offered by another school district if:

a. The course is offered online by the school district in which the student resides; or

b. The course is offered in the school in which the student is enrolled. However, a student may enroll in an online course offered by another school district if the school in which the student is enrolled offers the course but the student is unable to schedule the course in his or her school.

3. The school district in which the student completes the course shall report the student's completion of that course for funding pursuant to s. 1011.61(1)(c)1.b.(VI), and the home school district shall not report the student for funding for that course.

2. The full-time equivalent student enrollment calculated under this subsection is subject to the requirements in s. 1011.61(4). For purposes of this paragraph, the combined total of all school district reported FTE may not be reported as more than 1.0 full-time equivalent student in any given school year. The Department of Education shall establish procedures to enable interdistrict coordination for the delivery and funding of this online option.

(3) A school district may not require a public school student to take a course outside the school day that is in addition to the student's courses for a given term or on school grounds.

Section 14. Subsection (4) of section 1006.29, Florida Statutes, is renumbered as subsection (5), and a new subsection (4) is added to that section to read:

1006.29 State instructional materials reviewers.—

(4) By October 1, 2013, the department shall publish minimum and recommended technology requirements that include specifications for hardware, software, networking, security, and guidelines on the number of students per device necessary to ensure that students can access all electronic and digital instructional materials.

Section 15. Paragraphs (b), (c), and (d) of subsection (1), subsection (2), paragraphs (b) and (c) of subsection (5), and subsection (6) of section 1006.73, Florida Statutes, are amended, and paragraph (i) is added to subsection (5) of that section, to read:

1006.73 Florida Virtual Campus.—

(1) The Florida Virtual Campus is established to provide access to online student and library support services and to serve as a statewide resource and clearinghouse for public postsecondary education distance learning courses and degree programs. The primary purposes of the Florida Virtual Campus are to:

(b) Provide information and Enhance and expand educational access to distance learning courses and degree programs offered by the state's and increase public postsecondary education institutions degree attainment across the state.

(c) Coordinate with the Florida College System and the State University System to identify and provide online academic support services and resources when the multi-institutional provision of such services and resources is more cost or operationally effective. Address the educational needs of traditional students, place-bound students, time-bound students, and adult learners.

~~(d) Increase workforce skills and expand professional development opportunities.~~

(2) The chancellors of the Florida College System and the State University System shall exercise joint oversight of the Florida Virtual Campus and shall establish its governance and reporting structure, administrative and operational guidelines and processes, staffing requirements, and operational budget. Effective January 31, 2014, all data center services needed by the Florida Virtual Campus shall be provided by the Northwest Regional Data Center a primary data center established pursuant to s. ss. 282.201 and 1004.649. The chancellors may delegate the authority and responsibility granted in this subsection.

(a) In carrying out the purposes of this section:

1. The campus is not an "agency" as defined in s. 20.03(11) and is not subject to chapter 287.

2. The campus shall be deemed to be acting as an instrumentality of the state for purposes of sovereign immunity pursuant to s. 768.28(2).

3. All records of the campus are public records unless made confidential or exempt from law.

(b) The campus shall maintain an unencumbered balance of not less than 5 percent of its approved operating budget.

(c) The campus may secure comprehensive general liability coverage, professional liability coverage, property and casualty coverage, and any other insurance coverage deemed appropriate by the chancellors.

(d) The campus may contract for administrative services with a public postsecondary education institution. The administrative overhead costs charged by the institution may not exceed the actual cost of providing the services and shall require a specific appropriation in the General Appropriations Act.

(5) The Florida Virtual Campus shall:

(b) Develop and manage a statewide Internet-based catalog of distance learning courses, degree programs, and resources offered by public postsecondary education institutions which is intended to assist in the coordination and collaboration of articulation and access pursuant to parts II and III of chapter 1007. The campus shall establish operational guidelines and procedures for the catalog which must:

1. Require participating institutions to provide information concerning the distance learning course or degree program to include course number and classification of instructional programs number and information on the availability of the course or degree program; the type of required technology; any prerequisite course or technology competency or skill; the availability of academic support services and financial aid resources; and course costs, fees, and payment policies.

2. Require that distance learning courses and degree programs meet applicable accreditation standards and criteria.

3. Require that, at a minimum, the catalog is reviewed at the start of each academic semester to ensure that distance learning courses and degree programs comply with all operational guidelines and procedures.

4. Define and describe the catalog's search and retrieval options that, at a minimum, will allow users to search by academic term or course start date; institution, multiple institutions, or all institutions; and course or program delivery method, course type, course availability, subject or discipline, and course number or classification of instructional programs number.

~~5.4.~~ Use an Internet-based analytic tool that allows for the collection and analysis of data, including, but not limited to:

a. The number and type of students who use the catalog to search for distance learning courses and degree programs.

b. The number and type of requests for information on distance learning courses and degree programs that are not listed in the catalog.

c. A summary of specific requests by course type or course number, delivery method, offering institution, and semester.

~~6.5.~~ Periodically obtain and analyze data from the Florida College System and the State University System concerning:

a. Costs of distance learning courses and degree programs.

b. Completion, graduation, and retention rates of students enrolled in distance learning course and degree programs.

c. Distance learning course completion.

(c) Implement a streamlined, automated, online admissions application process for undergraduate transient students who are currently enrolled and pursuing a degree at a public postsecondary education institution and who enroll in a course offered by a public postsecondary education institution that is not the student's degree-granting institution. The Florida Virtual Campus shall work with the Florida College System and the State University System to implement this process which requires all Florida College System institutions and state universities to:

1. Use the transient student admissions application available through the statewide computer-assisted student advising system established pursuant to paragraph (d). This admissions application is the only application required for the enrollment of a transient student as described in this paragraph.

2. Implement the financial aid procedures required by the transient student admissions application process.

3. Transfer credit awarded by the institutions offering the course to the transient student's degree-granting institution.

4. ~~By December 1, 2012,~~ Provide for an interface between the institutional advising system and the statewide computer-assisted student advising system established pursuant to paragraph (d) in order to electronically send, receive, and process the transient student admissions application.

(i) In consultation with the public postsecondary education institutions, develop and implement a plan that describes the services and resources available at the Florida Virtual Campus to encourage current and prospective students' use of such services and resources.

(6) Beginning September 30, 2013, and annually thereafter, the chancellors of the Florida College System and the State University System shall jointly publish a report regarding the activities of the Florida Virtual Campus in the prior fiscal year. The report shall include, but not be limited to, information related to the provision of library services and electronic resources, to include those resources licensed pursuant to s. 1006.72; distance learning resources; the computer-assisted student advising system; the transient student online admissions process; and other provided programs, activities, and services.

Section 16. Section 1006.735, Florida Statutes, is amended to read:

1006.735 Complete Florida Degree Program Completion Pilot Project.—

(1) The Complete Florida Degree Program Completion Pilot Project is established for the purpose of recruiting, recovering, and retaining the state's adult learners and assisting them in completing an associate degree or a baccalaureate degree that is aligned to high-wage, high-skill workforce needs. As used in this section, the term "adult learner" means a student who has successfully completed college-level coursework in multiple semesters but has left an institution in good standing before completing his or her degree.

The ~~program pilot project~~ shall give priority to adult learners who are veterans or active duty members of the United States Armed Forces.

(2) The Complete Florida Degree Program ~~pilot project~~ shall be implemented by the University of West Florida, acting as the lead institution, in coordination with Florida College System institutions, state universities, and private postsecondary institutions, as appropriate. The program—the University of South Florida, Florida State College at Jacksonville, and St. Petersburg College and shall include the associate, applied baccalaureate, and baccalaureate degree programs that these institutions have selected. Other partnering public postsecondary education institutions shall provide areas of specialization or concentration.

(3) For purposes of selecting the degree programs that will be given priority in the Complete Florida Degree Program ~~pilot project~~, the institutions identified in subsection (2) shall partner with public and private job recruitment and placement agencies and use labor market data and projections, including those identified in the Board of Governors' Commission on Higher Education Access and Educational Attainment gap analysis, to identify the specific workforce needs and targeted occupations of the state.

(4) The Complete Florida Degree Program ~~pilot project~~ shall provide adult learners with a single point of access to information and links to innovative online and accelerated distance learning courses, student and library support services, and electronic resources that will guide the adult learner toward the successful completion of a postsecondary degree.

(5) By the end of Beginning with the 2013-2014 2012-2013 academic year, the Complete Florida Degree Program ~~pilot project~~ shall be implemented and must:

(a) Use the distance learning course catalog established pursuant to s. 1006.73 to communicate course availability to the adult learner.

(b) Develop and implement an advising and student support system that includes the use of degree completion specialists, is based upon best practices and processes, and includes academic and career support services designed specifically for the adult learner. The program must identify proposed changes to the statewide computer-assisted student advising system established pursuant to s. 1006.73 to assist the adult learner in using the system.

(c) Use the streamlined, automated, online admissions application process for transient students established pursuant to s. 1006.73. The ~~program pilot project~~ shall identify any additional admissions and registration policies and practices that could be further streamlined and automated for purposes of assisting the adult learner.

(d) Use existing and, if necessary, develop new competency-based instructional and evaluation tools to assess prior performance, experience, and education for the award of college credit in order to reduce the time required for adult learners to complete their degrees. The tools may include the use of the American Council on Education's collaborative link between the United States Department of Defense and higher education through the review of military training and experiences for the award of equivalent college credit for members of the United States Armed Forces.

(e) Develop and implement an evaluation process that collects, analyzes, and provides to the chancellors of the Florida College System and the State University System, the participating postsecondary education institutions, the chairs of the legislative appropriations committees, and the Executive Office of the Governor information on the effectiveness of the ~~program pilot project~~ and the attainment of its goals. Such a process shall include a management information system that collects the appropriate student, programmatic, and fiscal data necessary to complete the evaluation of the ~~program pilot project~~. Institutions involved in the ~~program pilot project~~ shall also collect job placement and employment data on the adult learners who have completed their degrees as a result of the ~~program pilot project~~.

(f) Develop and implement a statewide student recruitment marketing campaign targeted toward ~~recruiting~~ adult learners, particularly veterans and active duty members of the United States Armed Forces, for enrollment in the degree programs offered through the ~~program pilot project~~.

(6) For purposes of the Complete Florida Degree Program ~~pilot project~~, each institution's current tuition and fee structure shall be used. However, all participating institutions shall collaboratively identify the applicable cost

components involved in the development and delivery of distance learning courses, collect information on these cost components, and submit the information to the ~~Florida Virtual Campus. The~~ chancellors of the Florida College System and the State University System. The chancellors shall submit a report to the chairs of the legislative appropriations committees no later than December 31, ~~2014~~ 2013, on the need for a differentiated tuition and fee structure for the development and delivery of distance learning courses.

(7) The University of West Florida, in collaboration with its partners ~~the University of South Florida, Florida State College at Jacksonville, and St. Petersburg College,~~ shall submit to the chairs of the Board of Governors, the State Board of Education, and the legislative appropriations committees no later than September 1, 2013 ~~June 1, 2012~~, a detailed program project plan that defines the major work activities, student eligibility criteria, timeline, and cost for implementing the Complete Florida Degree Program ~~pilot project~~.

~~(8) The University of West Florida, in collaboration with the University of South Florida, Florida State College at Jacksonville, and St. Petersburg College, shall develop and implement a transition plan that transfers the administration of the pilot project to the Florida Virtual Campus no later than June 30, 2013.~~

Section 17. Subsections (2) and (4) and paragraph (n) of subsection (21) of section 1007.271, Florida Statutes, are amended to read:

1007.271 Dual enrollment programs.—

(2) For the purpose of this section, an eligible secondary student is a student who is enrolled in a Florida public secondary school or in a Florida private secondary school which is in compliance with s. 1002.42(2) and provides a secondary curriculum pursuant to s. 1003.428, s. 1003.429, or s. 1003.43. Students who are eligible for dual enrollment pursuant to this section may enroll in dual enrollment courses conducted during school hours, after school hours, and during the summer term. However, if the student is projected to graduate from high school before the scheduled completion date of a postsecondary course, the student may not register for that course through dual enrollment. The student may apply to the postsecondary institution and pay the required registration, tuition, and fees if the student meets the postsecondary institution's admissions requirements under s. 1007.263. Instructional time for dual enrollment may vary from 900 hours; however, the full-time equivalent student membership value shall be subject to the provisions in school district may only report the student for a maximum of 1.0 FTE, as provided in s. 1011.61(4). Any student enrolled as a dual enrollment student is exempt from the payment of registration, tuition, and laboratory fees. Vocational-preparatory instruction, college-preparatory instruction, and other forms of precollegiate instruction, as well as physical education courses that focus on the physical execution of a skill rather than the intellectual attributes of the activity, are ineligible for inclusion in the dual enrollment program. Recreation and leisure studies courses shall be evaluated individually in the same manner as physical education courses for potential inclusion in the program.

(4) District school boards may not refuse to enter into a dual enrollment articulation agreement with a local Florida College System institution if that Florida College System institution has the capacity to offer dual enrollment courses. ~~A Florida College System institution may limit dual enrollment participation based upon capacity. Such limitation must be clearly specified in the dual enrollment articulation agreement.~~

(21) Each district school superintendent and Florida College System institution president shall develop a comprehensive dual enrollment articulation agreement for the respective school district and Florida College System institution. The superintendent and president shall establish an articulation committee for the purpose of developing the agreement. Each state university president may designate a university representative to participate in the development of a dual enrollment articulation agreement. A dual enrollment articulation agreement shall be completed and submitted annually by the Florida College System institution to the Department of Education on or before August 1. The agreement must include, but is not limited to:

(n) A funding provision that delineates costs incurred by each entity. School districts shall pay the standard tuition rate per credit hour from funds provided in the Florida Education Finance Program to the institution providing

instruction when such instruction takes place on the postsecondary campus should share funding to cover instructional and support costs incurred by the postsecondary institution. When dual enrollment is provided on the high school site by postsecondary institution faculty, the school district shall reimburse the costs associated with the proportion of salary and benefits and other actual costs of the postsecondary institution to provide the instruction. When dual enrollment is provided on the high school site by school district faculty, the school district shall be responsible only for the postsecondary institution's actual costs associated with offering the program. A postsecondary institution may enter into an agreement with the school district to authorize teachers who teach dual enrollment courses at the high school site or the postsecondary institution. A school district may not deny a student access to dual enrollment unless the student is ineligible to participate in the program subject to provisions specifically outlined in this section.

Section 18. Section 1008.322, Florida Statutes, is created to read:

1008.322 Board of Governors oversight authority.—

(1) The Board of Governors of the State University System shall oversee the performance of state university boards of trustees in the enforcement of laws, rules, and regulations. State university boards of trustees shall be primarily responsible for compliance with laws and board rules and regulations.

(2) The Board of Governors' constitutional authority to operate, regulate, control, and be fully responsible for the management of the whole university system mandates that the state universities comply with all requests by the board for information, data, and reports. The state university presidents are responsible for the accuracy of the information and data reported to the board.

(3) The Chancellor of the State University System may investigate allegations of noncompliance with law or board rule or regulation and determine probable cause. The chancellor shall report determinations of probable cause to the board, which shall require the university board of trustees to document compliance with law or board rule or regulation.

(4) If the university board of trustees cannot satisfactorily document compliance, the board may order compliance within a specified timeframe.

(5) If the board determines that a university board of trustees is unwilling or unable to comply with law or board rule or regulation within the specified time, the board, in addition to actions constitutionally authorized, has the authority to initiate any of the following actions:

(a) Report to the Legislature that the university has been unwilling or unable to comply with law or board rule or regulation and recommend action to be taken by the Legislature.

(b) Withhold the transfer of state funds, discretionary grant funds, or any other funds specified as eligible for this purpose by the Legislature until the university complies with the law or board rule or regulation.

(c) Declare the university ineligible for competitive grants.

(6) Nothing in this section shall be construed to create a private cause of action or create any rights for individuals or entities in addition to those provided elsewhere in law, rule, or regulation.

Section 19. Paragraph (e) of subsection (4), subsection (7), paragraph (c) of subsection (8), and subsection (13) of section 1009.24, Florida Statutes, are amended to read:

1009.24 State university student fees.—

(4)

(e) The sum of the activity and service, health, and athletic fees a student is required to pay to register for a course shall not exceed 40 percent of the sum of tuition and the tuition differential established in law or in the General Appropriations Act. No university shall be required to lower any fee in effect on the effective date of this act in order to comply with this subsection. Within the 40 percent cap, universities may not increase the aggregate sum of activity and service, health, and athletic fees more than 5 percent per year, or the same percentage increase in tuition authorized under paragraph (b), whichever is greater, unless specifically authorized in law or in the General Appropriations Act. A university may increase its athletic fee to defray the costs associated with changing National Collegiate Athletic Association divisions. Any such increase in the athletic fee may exceed both the 40 percent cap and the 5 percent cap imposed by this subsection. Any such increase must be approved by the athletic fee committee in the process outlined in subsection (12) and cannot exceed \$2 per credit hour. Notwithstanding the provisions of ss.

1009.534, 1009.535, and 1009.536, that portion of any increase in an athletic fee pursuant to this subsection that causes the sum of the activity and service, health, and athletic fees to exceed the 40 percent cap or the annual increase in such fees to exceed the 5 percent cap shall not be included in calculating the amount a student receives for a Florida Academic Scholars award, a Florida Medallion Scholars award, or a Florida Gold Seal Vocational Scholars award. Notwithstanding this paragraph and subject to approval by the board of trustees, each state university is authorized to exceed the 5-percent cap on the annual increase to the aggregate sum of activity and service, health, and athletic fees for the 2010-2011 fiscal year. Any such increase shall not exceed 15 percent or the amount required to reach the 2009-2010 fiscal year statewide average for the aggregate sum of activity and service, health, and athletic fees at the main campuses, whichever is greater. The aggregate sum of the activity and service, health, and athletic fees shall not exceed 40 percent of tuition. Any increase in the activity and service fee, health fee, or athletic fee must be approved by the appropriate fee committee pursuant to subsection (10), subsection (11), or subsection (12).

(7) A university board of trustees is authorized to collect for financial aid purposes an amount not to exceed 5 percent of the sum of tuition, the tuition differential, and out-of-state fees. The revenues from fees are to remain at each campus and replace existing financial aid fees. Such funds shall be disbursed to students as quickly as possible. A minimum of 75 percent of funds from the student financial aid fee shall be used to provide financial aid based on absolute need. The Board of Governors shall develop criteria for making financial aid awards. Each university shall report annually to the Board of Governors and the Department of Education on the revenue collected pursuant to this subsection, the amount carried forward, the criteria used to make awards, the amount and number of awards for each criterion, and a delineation of the distribution of such awards. The report shall include an assessment by category of the financial need of every student who receives an award, regardless of the purpose for which the award is received. Awards which are based on financial need shall be distributed in accordance with a nationally recognized system of need analysis approved by the Board of Governors. An award for academic merit shall require a minimum overall grade point average of 3.0 on a 4.0 scale or the equivalent for both initial receipt of the award and renewal of the award.

(8)

(c) The fee may not exceed 20 ~~40~~ percent of the sum of tuition and the tuition differential for resident students or 20 ~~40~~ percent of the sum of tuition, the tuition differential, and out-of-state fees for nonresident students. The fee for resident students shall be limited to an increase of \$3 ~~\$2~~ per credit hour over the prior year. The Capital Improvement Trust Fund fee may be used to fund any project or real property acquisition that meets the requirements of chapter 1013. The Division of Bond Finance of the State Board of Administration shall analyze any proposed reductions to the Capital Improvement Trust Fund fee to ensure consistency with prudent financial management of the bond program associated with the revenues from the fee. The Board of Governors shall approve any proposed fee reductions provided that no such reduction reduces the fee below the level established in paragraph (a).

(13) Each university board of trustees may establish a technology fee of up to 5 percent of the sum of tuition and the tuition differential per credit hour. The revenue from this fee shall be used to enhance instructional technology resources for students and faculty. The technology fee may not be included in any award under the Florida Bright Futures Scholarship Program established pursuant to ss. 1009.53-1009.538.

Section 20. Section 1010.79, Florida Statutes, is repealed.

Section 21. (1) The Sophomore Level Test Trust Fund, FLAIR number 48-2-646, within the Department of Education is terminated.

(2) All current balances remaining in, and all revenues of, the trust fund shall be transferred to the General Revenue Fund.

(3) The Department of Education shall pay any outstanding debts or obligations of the terminated trust fund as soon as practicable, and the Chief Financial Officer shall close out and remove the terminated trust fund from the various state accounting systems using generally accepted accounting principles concerning warrants outstanding, assets, and liabilities.

Section 22. Section 1010.81, Florida Statutes, is amended to read:

1010.81 Education Knott Data Center Working Capital Trust Fund.—Chapter 99-29, Laws of Florida, re-created The Education Knott Data Center Working Capital Trust Fund shall be administered by the Department of Education as a depository for funds received to record the revenue from fees paid for services provided by the department's technology office, interest earnings, and cash advances from customer entities. Moneys deposited in the trust fund shall be used to fund the services provided by the department's technology office. Department of Education's data center and disbursements to pay the costs of operating the data center as authorized in s. 216.272.

Section 23. Subsection (5) is added to section 1011.40, Florida Statutes, to read:

1011.40 Budgets for universities.—

(5) GUIDELINES FOR EDUCATION AND GENERAL FUND.—

(a) Each state university shall maintain an education and general fund ending fund balance that is sufficient to address normal contingencies and to meet the requirements in subsection (2).

(b) If at any time the unencumbered portion of the education and general fund's ending fund balance in the institution's approved operating budget is projected to fall below 3 percent of the projected education and general fund revenues during the current fiscal year, the university's board of trustees shall provide written notification to the Board of Governors and the Chancellor of the State University System.

(c) If at any time the unencumbered portion of the education and general fund's ending fund balance in the institution's approved operating budget is projected to fall below 2 percent of projected education and general fund revenues during the current fiscal year, the university's board of trustees shall provide written notification to the Board of Governors and the Chancellor of the State University System. Within 14 days after receiving such notification, if the chancellor determines that the institution does not have a plan that is reasonably anticipated to avoid a financial emergency as determined pursuant to s. 218.503, the chancellor shall appoint a financial emergency board that shall operate under the requirements, powers, and duties specified in s. 218.503(3)(g).

Section 24. Paragraph (c) of subsection (1) and subsection (4) of section 1011.61, Florida Statutes, are amended to read:

1011.61 Definitions.—Notwithstanding the provisions of s. 1000.21, the following terms are defined as follows for the purposes of the Florida Education Finance Program:

(1) A "full-time equivalent student" in each program of the district is defined in terms of full-time students and part-time students as follows:

(c)1. A "full-time equivalent student" is:

a. A full-time student in any one of the programs listed in s. 1011.62(1)(c); or

b. A combination of full-time or part-time students in any one of the programs listed in s. 1011.62(1)(c) which is the equivalent of one full-time student based on the following calculations:

(I) A full-time student in a combination of programs listed in s. 1011.62(1)(c) shall be a fraction of a full-time equivalent membership in each program equal to the number of net hours per school year for which he or she is a member, divided by the appropriate number of hours set forth in subparagraph (a)1. or subparagraph (a)2. The difference between that fraction or sum of fractions and the maximum value as set forth in subsection (4) for each full-time student is presumed to be the balance of the student's time not spent in a nonbasic program and shall be recorded as time in the appropriate basic program. The sum of the fractions for each program may not exceed the maximum value set forth in subsection (4).

(II) A prekindergarten student with a disability shall meet the requirements specified for kindergarten students.

(III) A full-time equivalent student for students in kindergarten through grade 12 in a full-time virtual instruction program under s. 1002.45 or a virtual charter school under s. 1002.33 shall consist of six full-credit completions or the prescribed level of content that counts toward promotion to the next grade in programs listed in s. 1011.62(1)(c). Credit completions may be a combination of full-credit courses or half-credit courses. Beginning in the 2016-2017 ~~2014-2015~~ fiscal year, ~~when s. 1008.22(3)(g) is implemented,~~ the reported full-time equivalent students and associated



funding of students enrolled in courses requiring passage of an end-of-course assessment under s. 1003.4282 to earn a standard high school diploma shall be adjusted if after the student does not pass completes the end-of-course assessment. However, no adjustment shall be made for a student who enrolls in a segmented remedial course delivered online.

(IV) A full-time equivalent student for students in kindergarten through grade 12 in a part-time virtual instruction program under s. 1002.45 shall consist of six full-credit completions in programs listed in s. 1011.62(1)(c)1. and 3. Credit completions may be a combination of full-credit courses or half-credit courses. Beginning in the 2016-2017 ~~2014-2015~~ fiscal year, ~~when s. 1008.22(3)(g) is implemented,~~ the reported full-time equivalent students and associated funding of students enrolled in courses requiring passage of an end-of-course assessment under s. 1003.4282 to earn a standard high school diploma shall be adjusted if after the student does not pass completes the end-of-course assessment. However, no adjustment shall be made for a student who enrolls in a segmented remedial course delivered online.

(V) A Florida Virtual School full-time equivalent student shall consist of six full-credit completions or the prescribed level of content that counts toward promotion to the next grade in the programs listed in s. 1011.62(1)(c)1. and 3. for students participating in kindergarten through grade 12 part-time virtual instruction and the programs listed in s. 1011.62(1)(c) for students participating in kindergarten through grade 12 full-time virtual instruction. Credit completions may be a combination of full-credit courses or half-credit courses. Beginning in the 2016-2017 ~~2014-2015~~ fiscal year, ~~when s. 1008.22(3)(g) is implemented,~~ the reported full-time equivalent students and associated funding of students enrolled in courses requiring passage of an end-of-course assessment under s. 1003.4282 to earn a standard high school diploma shall be adjusted if after the student does not pass completes the end-of-course assessment. However, no adjustment shall be made for a student who enrolls in a segmented remedial course delivered online.

(VI) Each successfully completed full-credit course earned through an online course delivered by a district other than the one in which the student resides shall be calculated as 1/6 FTE.

~~(VII) Each successfully completed credit earned under the alternative high school course credit requirements authorized in s. 1002.375, which is not reported as a portion of the 900 net hours of instruction pursuant to subparagraph (1)(a)1., shall be calculated as 1/6 FTE.~~

~~(VII)(A)~~ A full-time equivalent student for courses requiring passage of a statewide, standardized end-of-course assessment under s. 1003.4282 to earn a standard high school diploma pursuant to s. 1008.22(3)(e)2.a. shall be defined and reported based on the number of instructional hours as provided in this subsection until the 2016-2017 fiscal year for the first 3 years of administering the end-of-course assessment. Beginning in the 2016-2017 fiscal year ~~fourth year of administering the end of course assessment,~~ the FTE for the course shall be assessment-based credit-based and each course shall be equal to 1/6 FTE. The reported FTE shall be adjusted if after the student does not pass successfully completes the end-of-course assessment pursuant to s. 1008.22(3)(e)2.a. However, no adjustment shall be made for a student who enrolls in a segmented remedial course delivered online.

~~(VIII)(B)~~ For students enrolled in a school district as a full-time student, the district may report 1/6 FTE for each student who passes a statewide, standardized end-of-course assessment without being enrolled in the corresponding course.

~~(C) The FTE earned under this sub-sub-paragraph and any FTE for courses or programs listed in s. 1011.62(1)(c) that do not require passing a statewide, standardized end-of-course assessment are subject to the requirements in subsection (4).~~

2. A student in membership in a program scheduled for more or less than 180 school days or the equivalent on an hourly basis as specified by rules of the State Board of Education is a fraction of a full-time equivalent membership equal to the number of instructional hours in membership divided by the appropriate number of hours set forth in subparagraph (a)1.; however, for the purposes of this subparagraph, membership in programs scheduled for more than 180 days is limited to students enrolled in:

- a. Juvenile justice education programs;
- b. ~~and~~ The Florida Virtual School.

c. Virtual instruction programs and virtual charter schools pursuant to ss. 1002.45 and 1003.498 for the purpose of course completion and credit recovery.

3. The department shall determine and implement an equitable method of equivalent funding for experimental schools and for schools operating under emergency conditions, which schools have been approved by the department to operate for less than the minimum school day.

The full-time equivalent student enrollment calculated under this subsection is subject to the requirements in subsection (4).

(4) The maximum value for funding a student in kindergarten through grade 12 or in a prekindergarten program for exceptional children as provided in s. 1003.21(1)(e) shall be the sum of the calculations in paragraphs (a), (b), and (c) as calculated by the department is one full-time equivalent student membership for a school year or equivalent.

(a) The sum of the student's full-time equivalent student membership value for the school year or the equivalent derived from paragraphs (1)(a) and (b), subparagraph (1)(c)1., sub-subparagraphs (1)(c)2.b. and c., subparagraph (1)(c)3., and subsection (2). If the sum is greater than 1.0, the full-time equivalent student membership value for each program or course shall be reduced by an equal proportion so that the student's total full-time equivalent student membership value is equal to 1.0.

(b) If the result in paragraph (a) is less than 1.0 full-time equivalent student and the student has full-time equivalent student enrollment pursuant to sub-sub-subparagraph (1)(c)1.b.(VIII), calculate an amount that is the lesser of the value in sub-sub-subparagraph (1)(c)1.b.(VIII) or the value of 1.0 less the value in paragraph (a).

(c) The full-time equivalent student enrollment value in sub-subparagraph (1)(c)2.a.

Section 25. Paragraph (i) of subsection (1) of section 1011.62, Florida Statutes, is amended to read:

1011.62 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for operation:

(i) Calculation of full-time equivalent membership with respect to dual enrollment instruction.—Students enrolled in dual enrollment instruction pursuant to s. 1007.271 may be included in calculations of full-time equivalent student memberships for basic programs for grades 9 through 12 by a district school board. Instructional time for dual enrollment may vary from 900 hours; however, the full-time equivalent student membership value shall be subject to the provisions in school district may only report the student for a maximum of 1.0 full-time equivalent student membership, as provided in s. 1011.61(4). Dual enrollment full-time equivalent student membership shall be calculated in an amount equal to the hours of instruction that would be necessary to earn the full-time equivalent student membership for an equivalent course if it were taught in the school district. Students in dual enrollment courses may also be calculated as the proportional shares of full-time equivalent enrollments they generate for a Florida College System institution or university conducting the dual enrollment instruction. Early admission students shall be considered dual enrollments for funding purposes. Students may be enrolled in dual enrollment instruction provided by an eligible independent college or university and may be included in calculations of full-time equivalent student memberships for basic programs for grades 9 through 12 by a district school board. However, those provisions of law which exempt dual enrolled and early admission students from payment of instructional materials and tuition and fees, including laboratory fees, shall not apply to students who select the option of enrolling in an eligible independent institution. An independent college or university which is located and chartered in Florida, is not for profit, is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools or the Accrediting Council for Independent Colleges and Schools, and confers degrees as defined in s. 1005.02 shall be eligible for inclusion in the dual enrollment or early admission program. Students enrolled in dual

enrollment instruction shall be exempt from the payment of tuition and fees, including laboratory fees. No student enrolled in college credit mathematics or English dual enrollment instruction shall be funded as a dual enrollment unless the student has successfully completed the relevant section of the entry-level examination required pursuant to s. 1008.30.

Section 26. Section 1011.622, Florida Statutes, is created to read:

1011.622 Adjustments for students without a common student identifier.—For a student without a common student identifier who transfers from a public school district or the Florida Virtual School to another public school district or the Florida Virtual School, the Department of Education shall decrease the Florida Education Finance Program funds from the district or the Florida Virtual School which the student attended prior to the transfer.

Section 27. Subsection (10) of section 1011.80, Florida Statutes, is amended to read:

1011.80 Funds for operation of workforce education programs.—

(10) A high school student dually enrolled under s. 1007.271 in a workforce education program operated by a Florida College System institution or school district career center generates the amount calculated for workforce education funding, including any payment of performance funding, and the proportional share of full-time equivalent enrollment generated through the Florida Education Finance Program for the student's enrollment in a high school. If a high school student is dually enrolled in a Florida College System institution program, including a program conducted at a high school, the Florida College System institution earns the funds generated for workforce education funding, and the school district earns the proportional share of full-time equivalent funding from the Florida Education Finance Program. If a student is dually enrolled in a career center operated by the same district as the district in which the student attends high school, that district earns the funds generated for workforce education funding and also earns the proportional share of full-time equivalent funding from the Florida Education Finance Program. If a student is dually enrolled in a workforce education program provided by a career center operated by a different school district, the funds must be divided between the two school districts proportionally from the two funding sources. A student may not be reported for funding in a dual enrollment workforce education program unless the student has completed the basic skills assessment pursuant to s. 1004.91. A student who is coenrolled in a K-12 education program and an adult education program may ~~not~~ be reported for purposes of funding in an adult education program if the student is, ~~except that for the 2011-2012 and 2012-2013 fiscal years, students who are~~ coenrolled in core curricula courses for credit recovery or dropout prevention purposes and ~~does~~ do not have a pattern of excessive absenteeism or habitual truancy or a history of disruptive behavior in school, and the student may be reported for funding for up to two courses per year ~~student~~. Such a student is ~~students are~~ exempt from the payment of the block tuition for adult general education programs provided in s. 1009.22(3)(c). The Department of Education shall develop a list of courses to be designated as core curricula courses for the purposes of coenrollment.

Section 28. Section 1011.815, Florida Statutes, is created to read:

1011.815 Guidelines for general funds.—

(1) Each Florida College System institution shall maintain a general fund ending fund balance that is sufficient to address normal contingencies and to meet the requirements in s. 1011.84(3)(e).

(2) If at any time the unencumbered portion of the general fund's ending fund balance in the institution's approved operating budget is projected to fall below 3 percent of the projected general fund revenues during the current fiscal year, the president of the institution shall provide written notification to the State Board of Education and the Chancellor of the Florida College System.

(3) If at any time the unencumbered portion of the general fund's ending fund balance in the institution's approved operating budget is projected to fall below 2 percent of projected general fund revenues during the current fiscal year, the president of the institution shall provide written notification to the State Board of Education and the Chancellor of the Florida College System. Within 14 days after receiving such notification, if the chancellor determines that the institution does not have a plan that is reasonably anticipated to avoid a financial emergency as determined pursuant to s. 218.503, the chancellor shall

appoint a financial emergency board that shall operate under the requirements, powers, and duties specified in s. 218.503(3)(g).

Section 29. Subsection (4) of section 1012.885, Florida Statutes, is amended to read:

1012.885 Remuneration of Florida College System institution presidents; limitations.—

(4) LIMITATION ON REMUNERATION.—Notwithstanding the provisions of this section, ~~for the 2012-2013 fiscal year~~, a Florida College System institution president may not receive more than \$200,000 in remuneration from appropriated state funds. Only compensation, as defined in s. 121.021(22), provided to a Florida College System institution president may be used in calculating benefits under chapter 121.

Section 30. Effective upon this act becoming a law, subsection (4) of section 1012.886, Florida Statutes, is amended to read:

1012.886 Remuneration of Florida College System institution administrative employees; limitations.—

~~(4) EXPIRATION.—This section expires June 30, 2013.~~

Section 31. Subsection (4) of section 1012.975, Florida Statutes, is amended to read:

1012.975 Remuneration of state university presidents; limitations.—

(4) LIMITATION ON REMUNERATION.—Notwithstanding the provisions of this section, ~~for the 2012-2013 fiscal year~~, a state university president may not receive more than \$200,000 in remuneration from public funds. Only compensation, as defined in s. 121.021(22), provided to a state university president may be used in calculating benefits under chapter 121.

Section 32. Effective upon this act becoming a law, subsection (4) of section 1012.976, Florida Statutes, is amended to read:

1012.976 Remuneration of state university administrative employees; limitations.—

~~(4) EXPIRATION.—This section expires June 30, 2013.~~

Section 33. Notwithstanding s. 411.01, Florida Statutes, school readiness program eligibility and enrollment shall be as follows:

(1) Effective August 1, 2013, or upon reevaluation of eligibility for children currently served, whichever is later, each early learning coalition shall give priority for participation in the school readiness program as follows:

(a) Priority shall be given first to a child younger than 13 years of age from a working family that includes a parent receiving temporary cash assistance under chapter 414, Florida Statutes, and subject to the federal work requirements or a parent who transitions from the work program into employment as described in s. 445.032, Florida Statutes.

(b) Priority shall be given next to an at-risk child younger than 9 years of age.

(c) Priority shall be given next to a child from birth to the beginning of the school year for which the child is eligible for admission to kindergarten in a public school under s. 1003.21(1)(a)2., Florida Statutes, from a working family that is economically disadvantaged. However, the child ceases to be eligible if his or her family income exceeds 200 percent of the federal poverty level.

(d) Priority shall be given next to an at-risk child who is at least 9 years of age but younger than 13 years of age. An at-risk child whose sibling is enrolled in the school readiness program within an eligibility priority category listed in paragraphs (a)-(c) shall be given priority over other children who are eligible under this paragraph.

(e) Priority shall be given next to a child who has special needs, has been determined eligible as a student with disabilities, has a current individual education plan with a Florida school district, and is not younger than 3 years of age. A special needs child eligible under this paragraph remains eligible until the child is eligible for admission to kindergarten in a public school under s. 1003.21(1)(a)2.

(f) Priority shall be given next to a child who is younger than 13 years of age from a working family that is economically disadvantaged. A child who is eligible under this paragraph whose sibling is enrolled in the school readiness program under paragraph (c) shall be given priority over other children who are eligible under this paragraph.

(g) Notwithstanding paragraphs (a)-(d), priority shall be given last to a child who otherwise meets one of the eligibility criteria in paragraphs (a)-(d)

but who is also enrolled concurrently in the federal Head Start Program and the Voluntary Prekindergarten Education Program.

(2) A school readiness provider may be paid only for authorized hours of care provided for a child in the school readiness program. A child enrolled in the Voluntary Prekindergarten Education Program may receive care from the school readiness program if the child is eligible according to the eligibility priorities in this section.

(3) An early learning coalition shall enroll all eligible children, including those from its uniform waiting list, according to the eligibility priorities in this section.

(4) The parent of a child enrolled in the school readiness program must notify the early learning coalition or its designee within 10 days after any change in employment, income, or family size. Upon notification by the parent, the child's eligibility must be reevaluated.

(5) A child whose eligibility priority category requires the child to be from a working family ceases to be eligible for the school readiness program if a parent with whom the child resides does not reestablish employment within 30 days after becoming unemployed.

(6) Eligibility for each child must be reevaluated annually. Upon reevaluation, a child may not continue to receive school readiness services if he or she ceases to be eligible under this subsection.

(7) If a coalition disenrolls children from the school readiness program, the coalition must disenroll the children in reverse order of the eligibility priorities listed in subsection (1), beginning with children from families with the highest family incomes. A notice of disenrollment must be sent to parents and school readiness providers at least 2 weeks before disenrollment to provide adequate time for parents to arrange alternative care for their children. However, an at-risk child may not be disenrolled from the program without the written approval of the Family Safety Program Office of the Department of Children and Families or the community-based lead agency.

(8) If a child is absent from the program for 5 consecutive days without parental notification to the program of such absences, the school readiness provider shall report the absences to the early learning coalition for a determination of the need for continued care.

(9) Notwithstanding s. 39.604, Florida Statutes, a school readiness provider, regardless of whether the provider is licensed, shall comply with the reporting requirements of the Rilya Wilson Act for each at-risk child under the age of school entry enrolled in the school readiness program.

Section 34. (1) Notwithstanding s. 411.01, Florida Statutes, funding for the school readiness program shall be allocated among the early learning coalitions in accordance with this section and the General Appropriations Act.

(2) The Division of Early Learning shall administer school readiness funds and shall prepare and submit a unified budget request for the school readiness system in accordance with chapter 216, Florida Statutes.

(3) All instructions to early learning coalitions for administering this section shall emanate from the Division of Early Learning in accordance with the policies of the Legislature.

(4) All cost savings and all revenues received through a mandatory sliding fee scale shall be used to increase the number of children served.

(5) All state, federal, and required local maintenance-of-effort or matching funds provided to an early learning coalition for purposes of this section shall be used for implementation of its approved school readiness plan, including the hiring of staff to effectively operate the coalition's school readiness program.

(6) Costs shall be kept to the minimum necessary for the efficient and effective administration of the school readiness program with the highest priority of expenditure being direct services for eligible children. However, no more than 5 percent of the funds described in subsection (5) may be used for administrative costs, and, except as otherwise specified in the General Appropriations Act, no more than 18 percent of the funds described in subsection (5) may be used for any combination of administrative costs, quality activities, and nondirect services as follows:

(a) Administrative costs as described in 45 C.F.R. s. 98.52.

(b) Activities to improve the quality of child care as described in 45 C.F.R. s. 98.51, which shall be limited to the following:

1. Developing, establishing, expanding, operating, and coordinating resource and referral programs specifically related to the provision of

comprehensive consumer education to parents and the public regarding participation in the school readiness program.

2. Awarding grants to school readiness providers to assist them in meeting applicable state requirements for child care performance standards, implementing developmentally appropriate curricula and related classroom resources that support curricula, providing literacy supports, and providing professional development.

3. Providing training and technical assistance for school readiness providers, staff, and parents on child performance standards, child screenings, child assessments, developmentally appropriate curricula, character development, teacher-child interactions, age-appropriate discipline practices, health and safety, nutrition, first aid, the recognition of communicable diseases, and child abuse detection and prevention.

4. From among the funds provided for the activities described in subparagraphs 1.-3., providing adequate funding for infants and toddlers as necessary to meet federal requirements related to expenditures for quality activities for infant and toddler care.

5. Monitoring providers using a standardized methodology adopted by the Department of Education to improve compliance with state and federal regulations and law pursuant to the requirements of the statewide provider contract adopted by the department.

6. Assisting the provider in implementing a pre-assessment and post-assessment.

7. Responding to Warm-Line requests by providers and parents related to school readiness children, including providing developmental and health screenings to school readiness children.

(c) Nondirect services as described in 63 Fed. Reg. 39962-39963 (July 24, 1998) and applicable Office of Management and Budget instructions required to administer the school readiness program. Such services include, but are not limited to:

1. Assisting families to complete the required application and eligibility documentation.

2. Determining child and family eligibility.

3. Recruiting eligible child care providers.

4. Processing and tracking attendance records.

5. Developing and maintaining a statewide childcare information system.

As used in this paragraph, the term "nondirect services" does not include payments to school readiness providers for direct services provided to children who are eligible under subsection (1) of section 37 of this act, administrative costs described in paragraph (a), or quality activities described in paragraph (b).

(7) State funds appropriated for the school readiness program may not be used for the construction of new facilities or the purchase of buses.

(8) Beginning in the 2014-2015 fiscal year, all state-appropriated funding for the school readiness program shall be allocated to early learning coalitions based on the average prior year enrollment and the uniform waiting list as adopted by the Early Learning Programs Estimating Conference pursuant to s. 216.136(8), Florida Statutes, and using the average market rate by program care level and provider type pursuant to section 39 of this act.

Section 35. Notwithstanding s. 411.01013, Florida Statutes, the school readiness market rate schedule shall be implemented as follows:

(1) As used in this section, the term:

(a) "Average market rate" means the biannually determined average of the market rate by program care level and provider type in a predetermined geographic market.

(b) "Market rate" means the price that a child care provider charges for daily, weekly, or monthly child care services.

(2) The Division of Early Learning shall establish procedures for the adoption of a market rate schedule. The schedule must include, at a minimum, county-by-county rates:

(a) The market rate, including the minimum and the maximum rates for child care providers that hold a Gold Seal Quality Care designation under s. 402.281, Florida Statutes.

(b) The market rate for child care providers that do not hold a Gold Seal Quality Care designation.

(3) The market rate schedule, at a minimum, must:

(a) Differentiate rates by type, including, but not limited to, a child care provider that holds a Gold Seal Quality Care designation under s. 402.281, Florida Statutes, a child care facility licensed under s. 402.305, Florida Statutes, a public or nonpublic school exempt from licensure under s. 402.3025, Florida Statutes, a faith-based child care facility exempt from licensure under s. 402.316, Florida Statutes, that does not hold a Gold Seal Quality Care designation, a large family child care home licensed under s. 402.3131, Florida Statutes, or a family day care home licensed or registered under s. 402.313, Florida Statutes.

(b) Differentiate rates by the type of child care services provided for children with special needs or risk categories, infants, toddlers, preschool-age children, and school-age children.

(c) Differentiate rates between full-time and part-time child care services.

(d) Consider discounted rates for child care services for multiple children in a single family.

(4) The market rate schedule must be based exclusively on the prices charged for child care services.

(5) The market rate schedule shall be considered by an early learning coalition in the adoption of a payment schedule. The payment schedule must take into consideration the average market rate, include the projected number of children to be served, and be submitted for approval by the Division of Early Learning. Informal child care arrangements shall be reimbursed at not more than 50 percent of the rate adopted for a family day care home.

(6) The Division of Early Learning may contract with one or more qualified entities to administer this section and provide support and technical assistance for child care providers.

(7) The Division of Early Learning may adopt rules for establishing procedures for the collection of child care providers' market rate, the calculation of the average market rate by program care level and provider type in a predetermined geographic market, and the publication of the market rate schedule.

Section 36. Notwithstanding the required review by the Legislative Budget Commission pursuant to s. 1003.03(4)(c), Florida Statutes, for the 2012-2013 fiscal year, the alternate compliance calculation amounts to the class size operating categorical fund authorized by s. 1003.03(4)(c), Florida Statutes, shall be the reduction calculation required by s. 1003.03(4), Florida Statutes. The Commissioner of Education shall modify payments to school districts as required by s. 1003.03(4), Florida Statutes, for the 2012-2013 fiscal year. This section shall take effect upon this act becoming a law.

Section 37. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2013.

#### TITLE AMENDMENT

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to education funding; amending s. 11.45, F.S.; requiring the Legislative Auditing Committee to refer certain financial matters to the State Board of Education or the Board of Governors; conforming provisions; amending ss. 218.50, 218.501, 218.503, and 218.504, F.S.; including Florida College System institutions and State University System institutions in annual financial audit and audit report requirements, determinations of financial emergency, financial management procedures, and cessation of state action upon resolution of financial emergency conditions; repealing s. 1001.27, F.S., relating to a state satellite network; amending s. 1001.28, F.S.; deleting a duty of the Department of Education to manage the state's satellite transponder resources; amending s. 1001.281, F.S.; revising funds deposited in the Operating Trust Fund; amending s. 1001.42, F.S.; revising district school board duties relating to virtual instruction; creating s. 1001.7065, F.S.; creating the preeminent state research universities program; establishing a collaborative partnership between the Board of Governors and the Legislature to elevate the academic and research preeminence of the highest-performing state research universities; establishing academic and research excellence standards for a university to be designated a preeminent state research university; providing for a preeminent state research university to establish an institute for online learning; providing duties and responsibilities

of an advisory board, the university, and the Board of Governors to provide high-quality, fully online baccalaureate degree programs, including establishment of a tuition structure for the institute; providing for the award of funding to preeminent state research universities based upon performance; authorizing a preeminent state research university to establish special course requirements; providing for preeminent state research university flexibility; encouraging the Board of Governors to promote additional programs of excellence; amending s. 1002.37, F.S.; revising and clarifying requirements for reporting and funding a full-time equivalent student in the Florida Virtual School; providing requirements for funding a home education student enrolled in the Florida Virtual School; providing reporting requirements relating to Florida Virtual School Global; amending s. 1002.45, F.S.; authorizing a school district to provide part-time virtual instruction for K-12 students in all courses; revising requirements for the use of virtual instruction in core-curricula courses for the purpose of meeting class size requirements; revising requirements for approval as a provider of virtual instruction programs; providing requirements for conditional approval; revising and clarifying the requirements for reporting and funding a full-time equivalent student enrolled in a virtual instruction program; amending s. 1003.498, F.S.; requiring the Department of Education to provide identifiers for courses to designate their use for blended learning courses; removing restrictions on students taking online courses across district lines; clarifying the requirements for reporting a full-time equivalent student; prohibiting a school district from requiring a public school student to take an online course at certain times or places; amending s. 1006.29, F.S.; requiring the department to publish technology requirements related to instructional materials; amending s. 1006.73, F.S.; revising purposes, duties, and responsibilities of the Florida Virtual Campus; amending s. 1006.735, F.S.; establishing the Complete Florida Degree Program and providing requirements for its implementation; amending s. 1007.271, F.S.; revising provisions relating to the full-time equivalent student membership value for dual enrolled students; revising dual enrollment articulation agreement requirements; revising funding provisions delineating costs incurred by the institution providing instruction; creating s. 1008.322, F.S.; providing Board of Governors oversight authority; requiring state university compliance with laws, rules, and regulations; authorizing certain actions for noncompliance; amending s. 1009.24, F.S.; revising certain state university student fees; repealing s. 1010.79, F.S., relating to the Sophomore Level Test Trust Fund; terminating the Sophomore Level Test Trust Fund and providing for the transfer of funds and payment of outstanding obligations; amending s. 1010.81, F.S.; renaming the Knott Data Center Working Capital Trust Fund and revising the deposit and use of funds; amending s. 1011.40, F.S.; providing requirements for maintaining fund balances in the education and general fund of state universities; amending s. 1011.61, F.S.; revising and clarifying the definition of a full-time equivalent student; revising provisions relating to funding based on student completion of end-of-course examinations; revising provisions relating to the maximum value for funding a student; amending s. 1011.62, F.S.; revising provisions relating to the full-time equivalent student membership value for dual enrolled students; creating s. 1011.622, F.S.; providing for funding adjustments for students without a common student identifier; amending s. 1011.80, F.S.; revising provisions relating to funding for coenrolled students in workforce education programs; creating s. 1011.815, F.S.; providing requirements for maintaining fund balances in the general fund of Florida College System institutions; amending ss. 1012.885, 1012.886, and 1012.975, and 1012.976, F.S.; extending indefinitely provisions relating to remuneration of Florida College System institution presidents, Florida College System institution administrative employees, state university presidents, and state university administrative employees; providing requirements for school readiness program eligibility, enrollment, and funding and the school readiness market rate schedule, notwithstanding certain provisions of law; specifying the formula to be used for the 2012-2013 fiscal year in calculating the alternate compliance calculation amounts to the class size operating categorical fund, notwithstanding certain provisions of law; providing effective dates.

Rep. Fresen moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

**SB 1802**—A bill to be entitled An act relating to state employee health insurance; amending s. 110.123, F.S.; modifying the terms "full-time state employee" and "part-time state employee" for the purposes of expressly excluding persons paid from other-personal-services funds who work less than a certain number of hours per week from the state group insurance program; revising provisions relating to employer contributions to employee health savings accounts; requiring each agency or entity that participates in the program to provide information about its employees which is necessary to determine eligibility for the program; reenacting s. 110.12315(2)(b) and (7)(a), F.S., relating to the state employee's prescription drug program; repealing s. 53 of chapter 2012-119, Laws of Florida, relating to the reversion of certain state employee's prescription drug provisions to those in previous existence; amending s. 110.131, F.S.; providing that OPS employees working 30 hours or more per week may be eligible for the state group health insurance program; providing effective dates.

—was read the second time by title.

Representative McKeel offered the following:

(Amendment Bar Code: 797117)

**Amendment 1 (with title amendment)**—Remove everything after the enacting clause and insert:

Section 1. Paragraphs (c) through (n) of subsection (2) of section 110.123, Florida Statutes, are redesignated as paragraphs (d) through (o), respectively, present paragraphs (c) and (f) of subsection (2) and paragraphs (f) and (g) of subsection (3) are amended, a new paragraph (c) is added to subsection (2), paragraph (k) is added to subsection (3), and subsection (13) is added to that section, to read:

110.123 State group insurance program.—

(2) DEFINITIONS.—As used in this section, the term:

(c) "Full-time other-personal-services employees" means employees of all branches and agencies of state government and state universities that are classified as other-personal-services employees and are also "full-time" as defined in the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, 124 Stat. 119, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152, 124 Stat. 1029, and any regulations adopted pursuant to those federal acts.

(d) ~~(e)~~ "Full-time state employees" includes all full-time employees of all branches or agencies of state government holding salaried positions and paid by state warrant or from agency funds, and employees paid from regular salary appropriations for 8 months' employment, including university personnel on academic contracts. ~~Except as provided in paragraph (c), but in no case shall~~ "state employee" or "salaried position" ~~does not~~ include persons paid from other-personal-services (OPS) funds. "Full-time employees" includes all full-time employees of the state universities.

(g) ~~(f)~~ "Part-time state employee" means any employee of any branch or agency of state government paid by state warrant from salary appropriations or from agency funds, and who is employed for less than the normal full-time workweek established by the department or, if on academic contract or seasonal or other type of employment which is less than year-round, is employed for less than 8 months during any 12-month period, but in no case shall "part-time" employee include a person paid from other-personal-services (OPS) funds. "Part-time state employee" includes any part-time employee of the state universities. Full-time other-personal-services employees are not part-time state employees.

(3) STATE GROUP INSURANCE PROGRAM.—

(f) Except as provided for in subparagraph (h)2., the state contribution toward the cost of any plan in the state group insurance program shall be uniform with respect to all state employees in a state collective bargaining unit participating in the same coverage tier in the same plan. This section does not prohibit the development of separate benefit plans for officers and employees exempt from the career service, ~~or~~ the development of separate benefit plans for each collective bargaining unit, or the development of a separate benefit plan for full-time other-personal-services employees.

(g) Participation by individuals in the program is available to all state officers, full-time state employees, ~~and~~ part-time state employees, ~~and full-time other-personal-services employees~~; and such participation in the program or any plan is voluntary. Participation in the program is also available to retired state officers and employees, as defined in paragraph (2)(h) ~~(2)(g)~~, who elect at the time of retirement to continue coverage under the program, but they may elect to continue all or only part of the coverage they had at the time of retirement. A surviving spouse may elect to continue coverage only under a state group health insurance plan, a TRICARE supplemental insurance plan, or a health maintenance organization plan.

(k) The department may adopt rules to implement provisions of general law regarding the classification of other-personal-services employees as full-time as defined in the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, 124 Stat. 119, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. 111-152, 124 Stat. 1029, and regulations adopted pursuant to those federal acts.

(13) FULL-TIME OTHER-PERSONAL-SERVICES EMPLOYEES.—

(a) For the 2014 plan year and subsequent plan years, the department shall contract for a health benefit plan or contract with a third party administrator to self-insure for full-time other-personal-services employees. For the purposes of this subsection, "plan year" means a calendar year.

(b) The contract is limited to health benefit plans that offer minimum essential coverage and are affordable as defined in the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, 124 Stat. 119, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. 111-152, 124 Stat. 1029, and regulations adopted pursuant to those federal acts.

Section 2. Subsection (3) of section 110.131, Florida Statutes, is amended to read:

110.131 Other-personal-services employment.—

(3)(a) Unless specifically provided by law, other-personal-services employees are not eligible for any form of paid leave, paid holidays, a paid personal day, participation in state group insurance or retirement benefits, or any other state employee benefit. Other-personal-services employees may be included in that part of an agency's recognition and reward program that recognizes and rewards employees who submit innovative ideas that increase productivity, eliminate or reduce state expenditures, improve operations, or generate additional revenue or who meet or exceed the agency's established criteria for a project or goal.

(b) Full-time other-personal-services employees, as defined in s. 110.123(2), may participate in the state group insurance program.

Section 3. This act shall take effect July 1, 2013.

#### TITLE AMENDMENT

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to health benefits for other-personal-services employees; amending s. 110.123, F.S.; revising and providing definitions; providing that the state group insurance program may develop a separate benefit plan for full-time other-personal-services employees; providing that full-time other-personal-services employees may participate in the state group insurance program; authorizing the Department of Management Services to adopt rules for certain purposes; requiring the department to contract for a health benefit plan for full-time other-personal-services employees; providing contract requirements; amending s. 110.131, F.S.; authorizing full-time other-personal-services employees to participate in the state group insurance program; providing an effective date.

Rep. McKeel moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

**CS for SB 1762**—A bill to be entitled An act relating to state technology; transferring, renumbering, and amending s. 14.204, F.S.; creating the Department of State Technology; providing for the organizational structure of the department; creating a Technology Advisory Council and providing for

membership; amending s. 282.0041, F.S.; revising and providing definitions for terms used in the Enterprise Information Technology Services Management Act; amending s. 282.0055, F.S.; requiring the department to develop a long-range plan; providing the powers and duties of the department; amending s. 282.0056, F.S.; conforming provisions to changes made by the act; deleting the requirement that the department's work plan be presented at a public hearing; expressly exempting certain entities from data center consolidation; creating s. 282.0057, F.S.; providing a schedule for the initiation of department information technology projects; specifying tasks to be approved and completed; repealing s. 282.201, relating to the state data center system; amending s. 282.203, F.S.; conforming provisions to changes made by the act; providing for future repeal; repealing s. 282.204, F.S., relating to Northwood Shared Resource Center; repealing s. 282.205, F.S., relating to Southwood Shared Resource Center; creating s. 282.206, F.S.; establishing the Fletcher Shared Resource Center within the Department of Financial Services to provide enterprise information technology services to the department, co-location services to the Department of Legal Services and the Department of Agriculture and Consumer Services, and host the Legislative Appropriations System/Planning and Budgeting Subsystem; providing for governance of the center; authorizing the Department of Legal Affairs and the Department of Agriculture and Consumer Services to move data center equipment to the center; amending s. 282.318, F.S.; conforming provisions to changes made by the act; repealing s. 282.33, F.S., relating to objective standards for data center energy efficiency; repealing s. 282.34, F.S., relating to enterprise email service; amending ss. 282.604, 282.702, 282.703, 20.22, 110.205, 215.22, 215.322, 215.96, 216.292, 287.012, 287.057, 318.18, 320.0802, 328.72, 364.0135, 365.171, 365.172, 365.173, 365.174, 401.013, 401.015, 401.018, 401.021, 401.024, 401.027, 445.011, 445.045, 668.50, and 1006.73, F.S.; conforming provisions to changes made by the act; transferring the personnel, functions, and funds of the Agency for Enterprise Information Technology to the Department of State Technology; transferring specified personnel, functions, funds, trust funds, administrative orders, contracts, and rules relating to technology programs from the Department of Management Services to the Department of State Technology; transferring the Northwood Shared Resource Center and the Southwood Shared Resource Center to the department; providing that the status of any employee positions transferred to the department is retained; providing an appropriation; providing effective dates.

—was read the second time by title.

Representative McKeel offered the following:

(Amendment Bar Code: 521089)

**Amendment 1 (with title amendment)**—Remove everything after the enacting clause and insert:

Section 1. All of the records and property; funds, trust funds, and unexpended balances of appropriations, allocations, and other funds; administrative authority; pending issues; and existing contracts of the Agency for Enterprise Information Technology are transferred by a type two transfer, pursuant to s. 20.06(2), Florida Statutes, to the Agency for State Technology. All equipment and assets purchased by the Agency for Enterprise Information Technology with state or federal funds and transferred to the Department of Highway Safety and Motor Vehicles must be transferred to the Department of Law Enforcement no later than July 31, 2013.

Section 2. All rules adopted by the Agency for Enterprise Information Technology and all proceedings pursuant to s. 120.54, Florida Statutes, of the Agency for Enterprise Information Technology that are pending on the effective date of this act are nullified and of no further force or effect.

Section 3. The Northwood Shared Resource Center is transferred by a type two transfer, pursuant to s. 20.06(2), Florida Statutes, from the Department of Management Services to the Agency for State Technology. Any binding contract or interagency agreement entered into between the Northwood Shared Resource Center or an entity or agent of the center and any other agency, entity, or person shall continue as a binding contract or agreement on

the Agency for State Technology for the remainder of the term of such contract or agreement.

Section 4. The Southwood Shared Resource Center is transferred by a type two transfer, pursuant to s. 20.06(2), Florida Statutes, from the Department of Management Services to the Agency for State Technology. Any binding contract or interagency agreement entered into between the Southwood Shared Resource Center or an entity or agent of the center and any other agency, entity, or person shall continue as a binding contract or agreement on the Agency for State Technology.

Section 5. Section 14.204, Florida Statutes, is repealed.

Section 6. Section 14.206, Florida Statutes, is created to read:

14.206 Agency for State Technology.—The Agency for State Technology is created within the Executive Office of the Governor.

(1) The head of the agency is the Governor and Cabinet.

(2) The agency is a separate budget entity and is not subject to control, supervision, or direction by the Executive Office of the Governor, including, but not limited to, purchasing, transactions involving real or personal property, personnel, or budgetary matters.

(3) The agency shall have an executive director who is the state's Chief Information Officer and who must:

(a) Have a degree in computer science, information technology, information systems, or a related field from an accredited postsecondary educational institution.

(b) Have at least 10 years of executive-level experience in a combination of both the public and private sectors in the development and implementation of information technology strategic planning; management of enterprise information technology projects, particularly management experience with large-scale consolidation projects; and development and implementation of fiscal and substantive information technology policy.

(c) Be appointed by the Governor, subject to confirmation by the Cabinet and the Senate, and serve at the pleasure of the Governor and Cabinet.

(4) The Agency for State Technology shall:

(a) Beginning October 1, 2014, and biennially thereafter, develop and administer a comprehensive long-range plan for the state's information technology resources that ensures the proper management of such resources and includes opportunities for coordinating with other public-sector entities. The plan shall include, but not be limited to:

1. Identification of business functions and operations that are common across agencies within and among major program areas and recommendations for standardizing and consolidating the information technology services that support these common business functions and operations.

2. Identification of opportunities and strategies for consolidating the purchase of information technology commodities and contractual services that result in cost savings for the state.

3. Recommendations of other information technology services that should be designed, delivered, and managed as enterprise information technology services as defined in s. 282.0041. For each information technology service recommended, the plan must include the specific business and functional requirements of the service, the projected costs and cost savings, and a proposed schedule for statewide implementation.

(b) By September 1, 2014, and annually thereafter, complete an analysis that collects, categorizes, and analyzes information technology expenditure data for the previous fiscal year for executive branch agencies. A report summarizing the results of the analysis must be submitted to the legislative appropriations committee chairs by September 15 of each year.

(c) Develop and maintain an inventory of major information technology projects currently in progress within executive branch agencies. For purposes of this inventory, "major information technology project" means a project that exceeds \$10 million in total costs but does not include projects that involve renewing existing software licensing agreements or replacing computers with technology that is similar to the technology currently in use. For each project, the inventory must include, but is not limited to:

1. The total projected costs versus actual costs to date reported by the following categories: hardware, software, staffing, and contracted services.

2. The original project schedule, any changes made to the schedule, and the reasons for each change.

3. The original scope of the project, any changes made to the original scope, and any fiscal impact resulting from such changes.

(d) Develop and implement information technology architecture standards that allow for the efficient design, planning, acquisition, implementation, and delivery of information technology services and conduct periodic assessments of agencies to determine their compliance with such standards.

(e) Develop and implement project management standards and assist agencies in their use of such standards.

(f) Provide project management oversight on all executive branch agencies' information technology projects with total project costs of \$10 million or more.

(g) Coordinate information technology resource acquisition planning and assist the Division of Purchasing in the Department of Management Services in using aggregate buying methodologies whenever possible and with procurement negotiations for hardware and software products and services in order to reduce the cost of such products and services.

(h) Recommend to the Division of Purchasing in the Department of Management Services strategies and best practices for the procurement of information technology products and services in order to achieve cost savings for the state.

(i) With the exception of the Northwest Regional Data Center, provide operational management and oversight of the state data center established pursuant to s. 282.201, which shall include:

1. Appointing a director for the state data center.

2. Approving cost-recovery mechanisms and cost structures that recover all direct and indirect costs through charges to customer entities.

3. Establishing appropriate operating policies necessary for the state data center to perform its duties pursuant to s. 282.203. Such policies shall include a process for creating and implementing appropriate advisory committees comprised of customer entities for the purpose of reviewing and analyzing specific issues or activities and providing recommendations to the director of the state data center for addressing the issue or activity.

4. Monitoring the operation of the state data center to ensure compliance with all appropriate laws, rules, and policies.

5. Recommending to the Legislature a schedule that identifies for each agency data center and computing facility not yet consolidated into the state data center the recommended date and facility location for its consolidation.

(i) Develop and submit a strategic business plan to the Governor and Cabinet for implementing a successor financial and cash management system. The plan should include a recommendation of:

1. The financial business functions that should be standardized and proposed as enterprise financial business functions.

2. An enterprise financial governance structure that describes the process for making strategic financial business decisions and the procedures necessary to implement the enterprise financial business functions.

(k) Operate in a manner that ensures the participation and representation of state agencies.

(5) The Agency for State Technology may adopt rules to implement this section.

Section 7. Section 282.0041, Florida Statutes, is amended to read:

282.0041 Definitions.—As used in this chapter, the term:

(1) "Agency" has the same meaning as provided in s. 216.011(1)(qq), except that for purposes of this chapter, "agency" does not include university boards of trustees or state universities. For purposes of part I, the term "agency" does not include the judicial branch, the Department of Legal Affairs, the Department of Financial Services, the Department of Agriculture and Consumer Services, state attorneys, public defenders, criminal conflict and civil regional counsel, capital collateral regional counsel, the Florida Clerks of Court Operations Corporation, or the Florida Housing Finance Corporation.

(2) "Agency for Enterprise Information Technology" means the agency created in s. 14.204.

(3) "Agency information technology service" means a service that directly helps an agency fulfill its statutory or constitutional responsibilities and policy objectives and is usually associated with the agency's primary or core business functions.

(4) "Annual budget meeting" means a meeting of the board of trustees of a primary data center to review data center usage to determine the apportionment of board members for the following fiscal year, review rates for each service provided, and determine any other required changes.

(2)(5) "Breach" has the same meaning as provided in s. 817.5681(4).

(3)(6) "Business continuity plan" means a plan for disaster recovery which provides for the continued functioning of a primary data center during and after a disaster.

(4)(7) "Computing facility" means agency space containing fewer than a total of 10 physical or logical servers, any of which supports a strategic or nonstrategic information technology service, as described in budget instructions developed pursuant to s. 216.023, but excluding single, logical-server installations that exclusively perform a utility function such as file and print servers.

(5)(8) "Customer entity" means an entity that obtains services from a primary data center.

(6)(9) "Data center" means agency space containing 10 or more physical or logical servers any of which supports a strategic or nonstrategic information technology service, as described in budget instructions developed pursuant to s. 216.023.

(7)(10) "Department" means the Department of Management Services.

(8)(11) "Enterprise information technology service" means an information technology service that is used in all agencies or a subset of agencies and is established in law to be designed, delivered, and managed at the enterprise level.

(12) "E-mail, messaging, and calendaring service" means the enterprise information technology service that enables users to send, receive, file, store, manage, and retrieve electronic messages, attachments, appointments, and addresses. The e-mail, messaging, and calendaring service must include e-mail account management; help desk; technical support and user provisioning services; disaster recovery and backup and restore capabilities; antispam and antivirus capabilities; archiving and e-discovery; and remote access and mobile messaging capabilities.

(13) "Information system utility" means a full-service information-processing facility offering hardware, software, operations, integration, networking, and consulting services.

(9)(14) "Information technology" means equipment, hardware, software, firmware, programs, systems, networks, infrastructure, media, and related material used to automatically, electronically, and wirelessly collect, receive, access, transmit, display, store, record, retrieve, analyze, evaluate, process, classify, manipulate, manage, assimilate, control, communicate, exchange, convert, converge, interface, switch, or disseminate information of any kind or form.

(15) "Information technology policy" means statements that describe clear choices for how information technology will deliver effective and efficient government services to residents and improve state agency operations. A policy may relate to investments, business applications, architecture, or infrastructure. A policy describes its rationale, implications of compliance or noncompliance, the timeline for implementation, metrics for determining compliance, and the accountable structure responsible for its implementation.

(10)(16) "Performance metrics" means the measures of an organization's activities and performance.

(17) "Primary data center" means a data center that is a recipient entity for consolidation of nonprimary data centers and computing facilities and that is established by law.

(11)(18) "Project" means an endeavor that has a defined start and end point; is undertaken to create or modify a unique product, service, or result; and has specific objectives that, when attained, signify completion.

(12)(19) "Risk analysis" means the process of identifying security risks, determining their magnitude, and identifying areas needing safeguards.

(13)(20) "Service level" means the key performance indicators (KPI) of an organization or service which must be regularly performed, monitored, and achieved.

(14)(21) "Service-level agreement" means a written contract between a data center and a customer entity which specifies the scope of services provided, service level, the duration of the agreement, the responsible parties,

and service costs. A service-level agreement is not a rule pursuant to chapter 120.

~~(15)(22)~~ "Standards" means required practices, controls, components, or configurations established by an authority.

~~(16)~~ "State data center" means a data center that is a recipient entity for consolidation of agency data centers and computing facilities and may have more than one facility location.

~~(17)(23)~~ "SUNCOM Network" means the state enterprise telecommunications system that provides all methods of electronic or optical telecommunications beyond a single building or contiguous building complex and used by entities authorized as network users under this part.

~~(18)(24)~~ "Telecommunications" means the science and technology of communication at a distance, including electronic systems used in the transmission or reception of information.

~~(25)~~ "Threat" means any circumstance or event that may cause harm to the integrity, availability, or confidentiality of information technology resources.

~~(19)(26)~~ "Total cost" means all costs associated with information technology projects or initiatives, including, but not limited to, value of hardware, software, service, maintenance, incremental personnel, and facilities. Total cost of a loan or gift of information technology resources to an agency includes the fair market value of the resources.

~~(20)(27)~~ "Usage" means the billing amount charged by the state primary data center, less any pass-through charges, to the customer entity.

~~(28)~~ "Usage rate" means a customer entity's usage or billing amount as a percentage of total usage.

Section 8. Section 17.0315, Florida Statutes, is repealed.

Section 9. Section 282.0055, Florida Statutes, is repealed.

Section 10. Section 282.0056, Florida Statutes, is repealed.

Section 11. Section 282.201, Florida Statutes, is amended to read:

282.201 State data center ~~system; creation; agency duties and limitations.—A state data center system that includes all primary data centers, other nonprimary data centers, and computing facilities, and that provides an enterprise information technology service as defined in s. 282.0041; is established. For the 2013-2014 fiscal year, the state data center shall be comprised of the Northwood Shared Resource Center, the Southwood Shared Resource Center, and, for purposes of its state agency customers, the Northwest Regional Data Center.~~

(1) INTENT.—The Legislature finds that the most efficient and effective means of providing quality utility data processing services to state agencies requires that computing resources be concentrated in quality facilities that provide the proper security, infrastructure, and staff resources to ensure that the state's data is maintained reliably and safely; and is recoverable in the event of a disaster. ~~Efficiencies resulting from such consolidation include the increased ability to leverage technological expertise and hardware and software capabilities; increased savings through consolidated purchasing decisions; and the enhanced ability to deploy technology improvements and implement new policies consistently throughout the consolidated organization.~~ Unless otherwise exempt by law, it is the intent of the Legislature that all agency data centers and computing facilities be consolidated into the state a primary data center by 2019.

(2) AGENCY FOR STATE ENTERPRISE INFORMATION TECHNOLOGY DUTIES.—The Agency for State Enterprise Information Technology shall:

~~(a) Collect and maintain information necessary for developing policies relating to the data center system, including, but not limited to, an inventory of facilities;~~

~~(b) Annually approve cost recovery mechanisms and rate structures for primary data centers which recover costs through charges to customer entities.~~

~~(a)(e)~~ By January September 30, 2014, and annually thereafter of each year, submit to the Legislature, ~~the Executive Office of the Governor, and the primary data centers~~ recommendations to improve the efficiency and cost-effectiveness of computing services provided by the state data center system facilities. Such recommendations must include, but need not be limited to:

1. Policies for improving the cost-effectiveness and efficiency of the state data center system, which includes the primary data centers being transferred to a shared, virtualized server environment, and the associated cost savings resulting from the implementation of such policies.

2. Infrastructure improvements necessary to support supporting the consolidation of agency facilities or preempting the need to create additional data centers or computing facilities.

3. Uniform disaster recovery standards.

~~4. Standards for primary data centers which provide cost-effective services and transparent financial data to user agencies.~~

~~4.5-~~ Consolidation of contract practices or coordination of software, hardware, or other technology-related procurements and the associated cost savings.

~~6. Improvements to data center governance structures.~~

~~(d) By October 1 of each year, provide recommendations to the Governor and Legislature relating to changes to the schedule for the consolidations of state agency data centers as provided in subsection (4).~~

~~1. The recommendations must be based on the goal of maximizing current and future cost savings by:~~

~~a. Consolidating purchase decisions.~~

~~b. Leveraging expertise and other resources to gain economies of scale.~~

~~e. Implementing state information technology policies more effectively.~~

~~d. Maintaining or improving the level of service provision to customer entities.~~

~~2. The agency shall establish workgroups as necessary to ensure participation by affected agencies in the development of recommendations related to consolidations.~~

~~(b)(e)~~ Develop and establish rules relating to the operation of the state data center ~~system~~ which comply with applicable federal regulations, including 2 C.F.R. part 225 and 45 C.F.R. The rules must identify standards for a shared, virtualized or cloud-based environment, including operations system software, other operational software, security and network infrastructure, and other infrastructure components as required; describe a process for complying with such standards; and provide an exemption process from compliance with such standards, which must be consistent with paragraph (5)(b), address:

~~1. Ensuring that financial information is captured and reported consistently and accurately.~~

~~2. Identifying standards for hardware, including standards for a shared, virtualized server environment, and operations system software and other operational software, including security and network infrastructure, for the primary data centers; requiring compliance with such standards in order to enable the efficient consolidation of the agency data centers or computing facilities; and providing an exemption process from compliance with such standards, which must be consistent with paragraph (5)(b).~~

~~3. Requiring annual full cost recovery on an equitable rational basis. The cost recovery methodology must ensure that no service is subsidizing another service and may include adjusting the subsequent year's rates as a means to recover deficits or refund surpluses from a prior year.~~

~~4. Requiring that any special assessment imposed to fund expansion is based on a methodology that apportions the assessment according to the proportional benefit to each customer entity.~~

~~5. Requiring that rebates be given when revenues have exceeded costs, that rebates be applied to offset charges to those customer entities that have subsidized the costs of other customer entities, and that such rebates may be in the form of credits against future billings.~~

~~6. Requiring that all service level agreements have a contract term of up to 3 years, but may include an option to renew for up to 3 additional years contingent on approval by the board, and require at least a 180-day notice of termination.~~

(3) STATE AGENCY DUTIES.—

(a) For the purpose of completing the work activities described in subsections (1) and (2), each state agency shall provide to the Agency for State Enterprise Information Technology all requested information relating to its data centers and computing facilities and any other information relevant to the agency's ability to effectively transition its computer services into the state a primary data center. The agency shall also participate as required in workgroups relating to specific consolidation planning and implementation tasks as assigned by the Agency for State Enterprise Information Technology and determined necessary to accomplish consolidation goals.

(b) Each ~~state agency~~ customer entity of the state a primary data center shall notify the data center, by May 31 and November 30 of each year, of any



significant changes in anticipated utilization of data center services pursuant to requirements established by the Agency for State Technology boards of trustees of each primary data center.

(4) SCHEDULE FOR CONSOLIDATIONS OF AGENCY DATA CENTERS.—

(a) Consolidations of agency data centers shall be made by the date and to the specified state primary data center facility as provided in this section and in accordance with budget adjustments contained in the General Appropriations Act.

(b) By December 31, 2011, the following shall be consolidated into the Northwest Regional Data Center:

1. The Department of Education's Knott Data Center in the Turlington Building.

2. The Department of Education's Division of Vocational Rehabilitation.

3. The Department of Education's Division of Blind Services, except for the division's disaster recovery site in Daytona Beach.

4. The FCAT Explorer.

(c) During the 2011-2012 fiscal year, the following shall be consolidated into the Southwood Shared Resource Center:

1. By September 30, 2011, the Department of Corrections.

2. By March 31, 2012, the Department of Transportation's Burns Building.

3. By March 31, 2012, the Department of Transportation's Survey & Mapping Office.

(d) By July 1, 2012, the Department of Highway Safety and Motor Vehicles' Office of Motor Carrier Compliance shall be consolidated into the Northwood Shared Resource Center.

(e) By September 30, 2012, the Department of Revenue's Carlton Building and Imaging Center locations shall be consolidated into the Northwest Regional Data Center.

(f) During the 2012-2013 fiscal year, the following shall be consolidated into the Northwood Shared Resource Center:

1. By July 1, 2012, the Agency for Health Care Administration.

2. By August 31, 2012, the Department of Highway Safety and Motor Vehicles.

3. By December 31, 2012, the Department of Environmental Protection's Palmetto Commons.

4. By December 31, 2012, the Department of Health's Test and Development Lab and all remaining data center resources located at the Capital Circle Office Complex.

(g) During the 2013-2014 fiscal year, the following shall be consolidated into the Southwood Shared Resource Center:

~~1. By July 1, 2013, the Fish and Wildlife Conservation Commission, except for the commission's Fish and Wildlife Research Institute in St. Petersburg.~~

~~1.2. By October 31, 2013, the Department of Economic Opportunity.~~

~~2.3. By December 31, 2013, the Executive Office of the Governor, to include the Division of Emergency Management except for the Emergency Operation Center's management system in Tallahassee and the Camp Blanding Emergency Operations Center in Starke.~~

~~3.4. By March 31, 2014, the Department of Elderly Affairs.~~

(h) By July 1, 2013 ~~During the 2013-2014 fiscal year,~~ the Fish and Wildlife Conservation Commission, ~~except for the commission's Fish and Wildlife Research Institute in St. Petersburg,~~ following shall be consolidated into the Northwood Shared Resource Center:

~~1. By July 1, 2013, the Department of Veterans' Affairs.~~

~~2. By December 31, 2013, the Department of Legal Affairs.~~

~~3. By March 31, 2014, the Department of Agriculture and Consumer Services' Agriculture Management Information Center in the Mayo Building and the Division of Licensing.~~

(i) ~~During the 2014-2015 fiscal year, the following agencies shall work with the Agency for Enterprise Information Technology to begin preliminary planning for consolidation into a primary data center:~~

~~1. The Department of Health's Jacksonville Lab Data Center.~~

~~2. The Department of Transportation's district offices, toll offices, and the District Materials Office.~~

~~3. The Department of Military Affairs' Camp Blanding Joint Training Center in Starke.~~

~~4. The Camp Blanding Emergency Operations Center in Starke.~~

~~5. The Department of Education's Division of Blind Services disaster recovery site in Daytona Beach.~~

~~6. The Department of Education's disaster recovery site at Santa Fe College.~~

~~7. The Fish and Wildlife Conservation Commission's Fish and Wildlife Research Institute in St. Petersburg.~~

~~8. The Department of Children and Family Services' Suncoast Data Center in Tampa.~~

~~9. The Department of Children and Family Services' Florida State Hospital in Chattahoochee.~~

(j) ~~During the 2015-2016 fiscal year, all computing resources remaining within an agency data center or computing facility, to include the Department of Financial Services' Hartman, Larson, and Fletcher Buildings data centers, shall be transferred to a primary data center for consolidation unless otherwise required to remain in the agency for specified financial, technical, or business reasons that must be justified in writing and approved by the Agency for Enterprise Information Technology. Such data centers, computing facilities, and resources must be identified by the Agency for Enterprise Information Technology by October 1, 2014.~~

(i)(k) The Department of Law Enforcement, the Department of the Lottery's Gaming System, Systems Design and Development in the Office of Policy and Budget, ~~and the regional traffic management centers and the office of toll operations of the Department of Transportation,~~ the State Board of Administration, state attorneys, public defenders, criminal conflict and civil regional counsel, capital collateral regional counsel, the Florida Clerks of Court Operations Corporation, and the Florida Housing Finance Corporation are exempt from data center consolidation under this section.

(j)(4) Any agency that is consolidating agency data centers into the state a primary data center must execute a new or update an existing service-level agreement within 60 days after the specified consolidation date, as required by s. 282.203, in order to specify the services and levels of service it is to receive from the state primary data center as a result of the consolidation. If an agency and state primary data center are unable to execute a service-level agreement by that date, the agency and the state primary data center shall submit a report to the Executive Office of the Governor and to the chairs of the legislative appropriations committees within 5 working days after that date which explains the specific issues preventing execution and describing the plan and schedule for resolving those issues.

(m) ~~Beginning September 1, 2011, and every 6 months thereafter until data center consolidations are complete, the Agency for Enterprise Information Technology shall provide a status report on the implementation of the consolidations that must be completed during the fiscal year. The report shall be submitted to the Executive Office of the Governor and the chairs of the legislative appropriations committees. The report must, at a minimum, describe:~~

~~1. Whether the consolidation is on schedule, including progress on achieving the milestones necessary for successful and timely consolidation of scheduled agency data centers and computing facilities.~~

~~2. The risks that may affect the progress or outcome of the consolidation and how these risks are being addressed, mitigated, or managed.~~

(k)(n) Each agency identified in this subsection for consolidation into the state a primary data center shall submit a transition plan to the state appropriate primary data center by July 1 of the fiscal year before the fiscal year in which the scheduled consolidation will occur. Transition plans shall be developed in consultation with the state appropriate primary data center centers and the Agency for State Enterprise Information Technology; and must include:

1. An inventory of the agency data center's resources being consolidated, including all hardware and its associated life cycle replacement schedule, software, staff, contracted services, and facility resources performing data center management and operations, security, backup and recovery, disaster recovery, system administration, database administration, system programming, job control, production control, print, storage, technical support, help desk, and managed services, but excluding application development, and the agency's costs supporting these resources.

2. A list of contracts in effect, including, but not limited to, contracts for hardware, software, and maintenance, which identifies the expiration date, the contract parties, and the cost of each contract.

3. A detailed description of the level of services needed to meet the technical and operational requirements of the platforms being consolidated.

4. A description of resources for computing services proposed to remain in the department.

5. A timetable with significant milestones for the completion of the consolidation.

(l)(e) The state ~~Each primary~~ data center shall develop a transition plan for absorbing the transfer of agency data center resources based upon the timetables for transition as provided in this subsection. The plan shall be submitted to the Agency for ~~State Enterprise Information~~ Technology, the Executive Office of the Governor, and the chairs of the legislative appropriations committees by September 1 of the fiscal year before the fiscal year in which the scheduled consolidations will occur. Each plan must include:

1. The projected cost to provide data center services for each agency scheduled for consolidation.

2. A staffing plan that identifies the projected staffing needs and requirements based on the estimated workload identified in the agency transition plan.

3. The fiscal year adjustments to budget categories in order to absorb the transfer of agency data center resources pursuant to the legislative budget request instructions provided in s. 216.023.

4. An analysis of the cost effects resulting from the planned consolidations on existing agency customers.

5. A description of any issues that must be resolved in order to accomplish as efficiently and effectively as possible all consolidations required during the fiscal year.

(m)(p) Each agency identified in this subsection for consolidation into the state ~~a primary~~ data center shall submit with its respective legislative budget request the specific recurring and nonrecurring budget adjustments of resources by appropriation category into the appropriate data processing category pursuant to the legislative budget request instructions in s. 216.023.

#### (5) AGENCY LIMITATIONS.—

(a) Unless exempt from data center consolidation pursuant to this section or authorized by the Legislature or as provided in paragraphs (b) and (c), a state agency may not:

1. Create a new computing facility or data center; or expand the capability to support additional computer equipment in an existing agency computing facility or ~~nonprimary~~ data center;

2. Spend funds before the agency's scheduled consolidation into the state ~~a primary~~ data center to purchase or modify hardware or operations software that does not comply with hardware and software standards established by the Agency for ~~State Enterprise Information~~ Technology pursuant to paragraph (2)(b)(e) for the efficient consolidation of the agency data centers or computing facilities;

3. Transfer existing computer services to any data center other than the state a primary data center;

4. Terminate services with the state ~~a primary~~ data center or transfer services between state primary data center facilities ~~centers~~ without giving written notice of intent to terminate or transfer services 180 days before such termination or transfer; or

5. Initiate a new computer service except with the state ~~a primary~~ data center.

(b) Exceptions to the limitations in subparagraphs (a)1., 2., 3., and 5. may be granted by the Agency for ~~State Enterprise Information~~ Technology if there is insufficient capacity in a state primary data center facility to absorb the workload associated with agency computing services, if expenditures are compatible with the scheduled consolidation and the standards established pursuant to paragraph (2)(b)(e), or if the equipment or resources are needed to meet a critical agency business need that cannot be satisfied by ~~from surplus equipment or resources of the state primary~~ data center facility until the agency data center is consolidated.

1. A request for an exception must be submitted in writing to the Agency for ~~State Enterprise Information~~ Technology. The agency must accept, accept

with conditions, or deny the request within 60 days after receipt of the written request. The agency's decision is not subject to chapter 120.

2. At a minimum, the Agency for State Technology may not approve a request unless it includes documentation:

a. ~~Documentation~~ Approved by the state primary data center that ~~center's board of trustees which~~ confirms that the center cannot meet the capacity requirements of the agency requesting the exception within the current fiscal year.

b. Approved by the state data center that confirms the proposed expenditures are compatible with the standards established pursuant to paragraph (2)(b) ~~A description of the capacity requirements of the agency requesting the exception.~~

c. ~~Submitted by Documentation from~~ the agency requesting the exception that demonstrates ~~demonstrating~~ why it is critical to the agency's mission that the expansion or transfer ~~must~~ be completed within the fiscal year rather than when capacity or resources are available ~~is established~~ at a state primary data center facility.

(e) ~~Exceptions to subparagraph (a)4. may be granted by the board of trustees of the primary data center if the termination or transfer of services can be absorbed within the current cost allocation plan.~~

(c)(d) Upon the termination of or transfer of agency computing services from the state primary data center, the state primary data center shall require information sufficient to determine compliance with this section. If the state ~~a primary~~ data center determines that an agency is in violation of this section, it shall report the violation to the Agency for ~~State Enterprise Information~~ Technology.

(6) ~~RULES. The Agency for Enterprise Information Technology may adopt rules to administer this part relating to the state data center system including the primary data centers.~~

Section 12. Section 282.203, Florida Statutes, is amended to read:

282.203 State Primary data center ~~centers~~.—

(1) STATE DATA CENTER DIRECTOR.—The state data center director shall:

(a) Establish procedures for the state data center and its facilities to ensure that budgeting and accounting procedures, cost-recovery methodologies, and operational procedures are in compliance with laws governing the state data center, rules adopted by the Agency for State Technology, and applicable federal regulations, including 2 C.F.R. part 225 and 45 C.F.R. Such procedures must address:

1. Establishing a consolidated administrative support structure that is responsible for the provision of financial management, procurement, transactions involving real or personal property, human resources, and operational support for the state data center.

2. Requiring cost recovery for the full direct and indirect cost of services and ensuring that no service is subsidizing another service.

3. Advance invoicing customer entities no later than April 15 of each year an amount that equals each customer entity's last quarter projected billings to ensure the state data center has sufficient revenue to operate during the last quarter of the fiscal year.

4. Projecting costs and revenues at the beginning of the third quarter of each fiscal year through the end of the fiscal year. If in any given fiscal year the state data center is projected to earn revenues that are less than the center's costs for the fiscal year, the Agency for State Technology must submit a plan for consideration by the Legislative Budget Commission that:

a. Identifies the cause or causes for the revenue shortfall.

b. Recommends options for addressing the shortfall, including reducing the state data center's operating costs where possible. If an option includes increasing a customer entity's amount in the appropriate data processing appropriation category, the plan must identify the fund source or sources that the customer entity will use to pay for the increase.

5. Implementing a reconciliation process to ensure that each customer entity is paying for the full cost of each service as determined by its use and cost structure.

6. Providing rebates to customer entities when revenues exceed costs. Rebates may be credited against future billings.

7. Providing a plan for consideration by the Legislative Budget Commission if a cost-recovery methodology is used after the start of a fiscal year that increases the customer entity's costs for that fiscal year.

8. Requiring a customer entity to document that sufficient funds are in the appropriate data processing appropriation category before implementing a customer entity's request for a change in the type or level of service provided if such change results in an increase to the customer entity's costs for that fiscal year.

(b) Provide each customer entity with full disclosure concerning plans for new, additional, or reduced service requirements, including expected achievable service levels and performance metrics.

(c) Approve the catalog of services offered by the state data center.

(d) By July 1 of each year, submit to the Agency for State Technology a proposed cost-recovery methodology and cost structure for all services offered in the service catalog.

(e) Provide to each customer entity's agency head by September 1 of each year the projected costs to provide data center services for the following fiscal year. Each agency head shall use the projected costs for inclusion in his or her respective legislative budget request for budget adjustments necessary to fund the agency's data center services.

(f) Provide to the Agency for State Technology cost-reduction proposals, including strategies and timetables for lowering customer entities' costs without reducing the level of service.

(2)(4) STATE DATA CENTER DUTIES.—The state ~~Each primary~~ data center shall:

(a) ~~Serve customer entities as an information system utility.~~

(a)(b) Cooperate with customer entities to offer, develop, and support the services and applications as defined within the service level agreement executed pursuant to this section and provided by the center's board of trustees and customer entities.

(b)(e) Comply with rules adopted by the Agency for State Enterprise Information Technology for the operation of the state data center, pursuant to this section, and coordinate with the agency in the consolidation of agency data centers and computing facilities pursuant to s. 282.201.

(d) Provide to each agency head by September 1 of the fiscal year before the fiscal year in which the agency's consolidation is scheduled to occur the projected costs to provide data center services. Each agency head shall use the projected cost for inclusion in his or her respective legislative budget request for budget adjustments necessary to fund the agency's data center services.

(e) Provide transparent financial statements to customer entities and the Agency for Enterprise Information Technology. The financial statements shall be provided as follows:

1. Annually, by July 30 for the current fiscal year and by December 1 for the subsequent fiscal year, the data center must provide the total annual budgeted costs by major expenditure category, including, but not limited to, salaries, expense, operating capital outlay, contracted services, or other personnel services, which directly relate to the provision of each service and which separately indicate the administrative overhead allocated to each service.

2. Annually, by July 30 for the current fiscal year and by December 1 for the subsequent fiscal year, the data center must provide total projected billings for each customer entity which are required to recover the costs of the data center.

3. Annually, by January 31, the data center must provide updates of the financial statements required under subparagraphs 1. and 2. for the current fiscal year.

The financial information required under subparagraphs 1., 2., and 3. must be based on current law and current appropriations.

(f) Annually, by October 1, submit to the board of trustees cost reduction proposals, including strategies and timetables for lowering customer entities' costs without reducing the level of services.

(c)(g) Maintain the performance and the ongoing sustainability of the facilities of the state data center by facility, which includes ensuring proper data backup, data backup recovery, an effective disaster recovery plan, adequate conditioned floor space, and appropriate security, power, cooling

and fire suppression, and capacity and replacing aging equipment when necessary.

(d)(h) Develop a business continuity plan and conduct a live exercise of the plan at least annually. The plan must be approved by the board and the Agency for State Enterprise Information Technology.

(e)(i) Enter into a service-level agreement with each customer entity to provide services as defined and approved by the Agency for State Technology board. A service-level agreement may not have a term exceeding 3 years but may include an option to renew for up to 3 years contingent on approval by the board.

1. A service-level agreement, at a minimum, must:

a. Identify the parties and their roles, duties, and responsibilities under the agreement.

b. ~~Identify the legal authority under which the service level agreement was negotiated and entered into by the parties.~~

b.e. State the duration of the contractual term and specify the conditions for contract renewal.

c.d. Prohibit the transfer of computing services between state primary data center facilities or the termination of computing services provided by a state data center facility without at least 180 days' notice of service cancellation.

d.e. Identify the scope of work.

e.f. Identify the products or services to be delivered with sufficient specificity to permit an external financial or performance audit.

f.g. Establish the services to be provided, the business standards that must be met for each service, the cost of each service, and the process by which the business standards for each service are to be objectively measured and reported.

h. ~~Identify applicable funds and funding streams for the services or products under contract.~~

g.i. Provide a timely billing methodology for recovering the cost of services provided to the customer entity pursuant to s. 215.422. If a customer entity fails to pay an invoice within 60 days after receipt, the state data center may cease services to the customer entity.

h.j. Provide a procedure for modifying the service-level agreement to address changes in projected costs of service.

i.k. Provide that a service-level agreement may be terminated by either party for cause only after giving the other party and the Agency for State Enterprise Information Technology notice in writing of the cause for termination and an opportunity for the other party to resolve the identified cause within a reasonable period.

j.l. Provide for mediation of disputes by the Division of Administrative Hearings pursuant to s. 120.573.

2. A service-level agreement may include:

a. A dispute resolution mechanism, including alternatives to administrative or judicial proceedings;

b. The setting of a surety or performance bond for service-level agreements entered into with the state agency primary data center centers established by law; or

c. Additional terms and conditions as determined advisable by the parties if such additional terms and conditions do not conflict with the requirements of this section or rules adopted by the Agency for State Enterprise Information Technology.

3. The failure to execute a service-level agreement within 60 days after service commencement shall, in the case of an existing customer entity, result in a continuation of the terms of the service-level agreement from the prior fiscal year, including any amendments that were formally proposed to the customer entity by the state primary data center within the 3 months before service commencement, and a revised cost-of-service estimate. If a new customer entity fails to execute an agreement within 60 days after service commencement, the state data center may cease services.

(f) In collaboration with the Department of Law Enforcement, develop and implement a process for detecting, reporting, and responding to suspected or confirmed information technology security incidents.

(g) Plan, design, establish pilot projects for, and conduct experiments with information technology resources, and implement enhancements in services if such implementation is cost-effective and approved by the board.

(k) Enter into a memorandum of understanding with the agency where the data center is administratively located if the data center requires the agency to provide any administrative services to the data center and the cost of such services. Any administrative overhead costs charged shall require a specific appropriation in the General Appropriation Act.

(g)(4) Be the custodian of resources and equipment that are located, operated, supported, and managed by the state data center for the purposes of chapter 273.

(h)(m) Assume administrative access rights to the resources and equipment, such as servers, network components, and other devices, that are consolidated into the state primary data center facility.

1. Upon the date of each consolidation specified in s. 282.201, the General Appropriations Act, or the Laws of Florida, each agency shall relinquish all administrative access rights to such resources and equipment. Agencies required to comply with federal and state criminal justice information security rules and policies shall retain administrative access rights sufficient to comply with the management control provisions of those rules and policies; however, the state data center facility shall have the appropriate type and level of rights to allow the center to comply with its duties pursuant to this section. The Department of Law Enforcement shall serve as the arbiter of any disputes that may arise regarding the appropriate type and level of administrative access rights pertaining to the provision of management control in accordance with federal criminal justice information guidelines.

2. The state Each primary data center shall provide its customer entities agencies with the appropriate level of access to applications, servers, network components, and other devices necessary for agencies to perform their core business activities and functions.

(2) BOARD OF TRUSTEES.—Each primary data center shall be headed by a board of trustees as defined in s. 20.03.

(a) The members of the board shall be appointed by the agency head or chief executive officer of the representative customer entities of the primary data center and serve at the pleasure of the appointing customer entity. Each agency head or chief executive officer may appoint an alternate member for each board member appointed pursuant to this subsection.

1. During the first fiscal year that a state agency is to consolidate its data center operations to a primary data center and for the following full fiscal year, the agency shall have a single trustee having one vote on the board of the state primary data center where it is to consolidate, unless it is entitled in the second year to a greater number of votes as provided in subparagraph 3.

2. Board membership shall be as provided in subparagraph 3, based on the most recent estimate of customer entity usage rates for the prior year and a projection of usage rates for the first 9 months of the next fiscal year. Such calculation must be completed before the annual budget meeting held before the beginning of the next fiscal year so that any decision to add or remove board members can be voted on at the budget meeting and become effective on July 1 of the subsequent fiscal year.

3. Each customer entity that has a projected usage rate of 4 percent or greater during the fiscal operating year of the primary data center shall have one trustee on the board.

4. The total number of votes for each trustee shall be apportioned as follows:

a. Customer entities of a primary data center whose usage rate represents 4 but less than 15 percent of total usage shall have one vote.

b. Customer entities of a primary data center whose usage rate represents 15 but less than 30 percent of total usage shall have two votes.

c. Customer entities of a primary data center whose usage rate represents 30 but less than 50 percent of total usage shall have three votes.

d. A customer entity of a primary data center whose usage rate represents 50 percent or more of total usage shall have four votes.

e. A single trustee having one vote shall represent those customer entities that represent less than 4 percent of the total usage. The trustee shall be selected by a process determined by the board.

(b) Before July 1 of each year, each board of trustees of a primary data center shall elect a chair and a vice chair to a term of 1 year or until a successor is elected. The vice chair shall serve in the absence of the chair. The chair may be elected to serve one additional successive term.

(c) Members of the board representing customer entities who fail to timely pay for data center services do not have voting rights.

(d) A majority of the members constitutes a quorum. The board shall take action by a majority vote of the members if a quorum is present. If there is a tie, the chair shall be on the prevailing side.

(e) The executive director of the Agency for Enterprise Information Technology shall be the advisor to the board.

(f) To facilitate planned data center consolidations, board membership may be adjusted as provided in the General Appropriations Act.

(3) BOARD DUTIES.—Each board of trustees of a primary data center shall:

(a) Employ an executive director, pursuant to s. 20.05, who serves at the pleasure of the board. The executive director is responsible for the daily operation of the primary data center, ensuring compliance with all laws and rules regulating the primary data center, managing primary data center employees, and the performance of the primary data center. The board shall establish an annual performance evaluation process for the executive director. The appointment of the executive director must be reconfirmed by the board biennially.

(b) Establish procedures for the primary data center to ensure that budgeting and accounting procedures, cost recovery methodologies, and operating procedures are in compliance with laws governing the state data center system, rules adopted by the Agency for Enterprise Information Technology, and applicable federal regulations, including 2 C.F.R. part 225 and 45 C.F.R.

(c) Monitor the operation of the primary data center to ensure compliance by the executive director and employees with laws and rules governing the primary data center, and ensure that staff members are accountable for the performance of the primary data center.

(d) Provide each customer entity with full disclosure concerning plans for new, additional, or reduced service requirements, including expected achievable service levels and performance metrics.

(e) Ensure the sufficiency and transparency of the primary data center financial information by:

1. Establishing policies that ensure that cost recovery methodologies, billings, receivables, expenditure, budgeting, and accounting data are captured and reported timely, consistently, accurately, and transparently and, upon adoption of rules by the Agency for Enterprise Information Technology, are in compliance with such rules.

2. Requiring execution of service level agreements by the data center and each customer entity for services provided by the data center to the customer entity.

3. Requiring cost recovery for the full cost of services, including direct and indirect costs. The cost recovery methodology must ensure that no service is subsidizing another service without an affirmative vote of approval by the customer entity providing the subsidy.

4. Establishing special assessments to fund expansions based on a methodology that apportions the assessment according to the proportional benefit to each customer entity.

5. Providing rebates to customer entities when revenues exceed costs and offsetting charges to those who have subsidized other customer entity costs based on actual prior year final expenditures. Rebates may be credited against future billings.

6. Approving all expenditures committing over \$50,000 in a fiscal year.

7. Projecting costs and revenues at the beginning of the third quarter of each fiscal year through the end of the fiscal year. If in any given fiscal year the primary data center is projected to earn revenues that are below costs for that fiscal year after first reducing operating costs where possible, the board shall implement any combination of the following remedies to cover the shortfall:

a. The board may direct the primary data center to adjust current year chargeback rates through the end of the fiscal year to cover the shortfall. The rate adjustments shall be implemented using actual usage rate and billing data from the first three quarters of the fiscal year and the same principles used to set rates for the fiscal year.

b. The board may direct the primary data center to levy one time charges on all customer entities to cover the shortfall. The one time charges shall be

~~implemented using actual usage rate and billing data from the first three quarters of the fiscal year and the same principles used to set rates for the fiscal year.~~

~~e. The customer entities represented by each board member may provide payments to cover the shortfall in proportion to the amounts each entity paid in the prior fiscal year.~~

~~8. Providing a plan for consideration by the Legislative Budget Commission if a billing rate schedule is used after the start of the fiscal year which increases any agency's costs for that fiscal year.~~

~~(f) Meet as often as necessary, but not less than once per quarter, and hold the annual budget meeting between April 1 and June 30 of each year.~~

~~(g) Approve the portfolio of services offered by the data center.~~

~~(h) By July 1 of each year, submit to the Agency for Enterprise Information Technology proposed cost recovery mechanisms and rate structures for all customer entities for the fiscal year including the cost allocation methodology for administrative expenditures and the calculation of administrative expenditures as a percent of total costs.~~

~~(i) Consider energy efficient products and their total cost of ownership when replacing, upgrading, or expanding:~~

~~1. Data center facilities, including, but not limited to, environmental, power, and control systems; and~~

~~2. Data center network, storage, and computer equipment. If the total cost of ownership, including initial acquisition cost, is estimated to be equal to or lower than existing infrastructure, technical specifications for energy efficient products should be incorporated into the replacement, upgrade, or expansion planning and acquisition process.~~

~~(j) Maintain the capabilities of the primary data center's facilities. Maintenance responsibilities include, but are not limited to, ensuring that adequate conditioned floor space, fire suppression, cooling, and power is in place; replacing aging equipment when necessary; and making decisions related to data center expansion and renovation, periodic upgrades, and improvements that are required to ensure the ongoing suitability of the facility as an enterprise data center consolidation site in the state data center system. To the extent possible, the board shall ensure that its approved annual cost allocation plan recovers sufficient funds from its customers to provide for these needs.~~

~~(k) Coordinate with other primary data centers and the Agency for Enterprise Information Technology in order to consolidate purchases of goods and services and lower the cost of providing services to customer entities.~~

~~(l) Contract with other primary data centers for the provision of administrative services or with the agency within which the primary data center is housed, whichever is most cost effective. Any administrative overhead costs require a specific appropriation in the General Appropriations Act.~~

Section 13. Section 282.204, Florida Statutes, is repealed.

Section 14. Section 282.205, Florida Statutes, is repealed.

Section 15. Section 282.318, Florida Statutes, is amended to read:

282.318 Enterprise security of data and information technology.—

(1) This section may be cited as the "Enterprise Security of Data and Information Technology Act."

(2) Information technology security is established as an enterprise information technology service as defined in s. 282.0041.

(3) The Agency for ~~State Enterprise Information~~ Technology is responsible for establishing rules and publishing guidelines for ensuring an appropriate level of security for all data and information technology resources for executive branch agencies. The agency shall also ~~perform the following duties and responsibilities:~~

(a) Develop, and annually update by February 1, an enterprise information security strategic plan that includes security goals and objectives for the strategic issues of information security policy, risk management, ~~training,~~ incident management, and survivability planning.

(b) Develop enterprise security rules and published guidelines for:

1. Comprehensive risk analyses and information security audits conducted by state agencies.

2. Responding to suspected or confirmed information security incidents, including suspected or confirmed breaches of confidential ~~personal~~ information or exempt data.

3. Agency security plans, including strategic security plans and security program plans.

4. The recovery of information technology and data following a disaster.

5. The managerial, operational, and technical safeguards for protecting state government data and information technology resources.

(c) Assist agencies in complying with ~~the provisions of this section.~~

~~(d) Pursue appropriate funding for the purpose of enhancing domestic security.~~

~~(e) Provide training for agency information security managers.~~

~~(d)(f)~~ Annually review the strategic and operational information security plans of executive branch agencies.

~~(4) To assist the Agency for Enterprise Information Technology in carrying out its responsibilities,~~ Each agency head shall, at a minimum:

(a) Designate an information security manager to administer the security program of the agency for its data and information technology resources. This designation must be provided annually in writing to the Agency for State Enterprise Information Technology by January 1.

(b) Submit to the Agency for State Enterprise Information Technology annually by July 31; the agency's strategic and operational information security plans developed pursuant to the rules and guidelines established by the Agency for State Enterprise Information Technology.

1. The agency strategic information security plan must cover a 3-year period and, at a minimum, define security goals, intermediate objectives, and projected agency costs for the strategic issues of agency information security policy, risk management, security training, security incident response, and survivability. The plan must be based on the enterprise strategic information security plan created by the Agency for State Enterprise Information Technology. ~~Additional issues may be included.~~

2. The agency operational information security plan must include a progress report for the prior operational information security plan and a project plan that includes activities, timelines, and deliverables for security objectives that, subject to current resources, the agency will implement during the current fiscal year. ~~The cost of implementing the portions of the plan which cannot be funded from current resources must be identified in the plan.~~

(c) Conduct, and update every 3 years, a comprehensive risk analysis to determine the security threats to the data, information, and information technology resources of the agency. The risk analysis information is confidential and exempt from the provisions of s. 119.07(1), except that such information shall be available to the Auditor General, ~~and~~ the Agency for State Enterprise Information Technology, and the Department of Law Enforcement for performing postauditing duties.

(d) Develop, and periodically update, written internal policies and procedures, which must include procedures for notifying all suspected or confirmed information security incidents to the Cybercrime Office in the Department of Law Enforcement within 24 hours after discovery, ~~the Agency for Enterprise Information Technology when a suspected or confirmed breach, or an information security incident, occurs.~~ Such policies and procedures must be consistent with the rules and guidelines established by the Agency for State Enterprise Information Technology to ensure the security of the data, information, and information technology resources of the agency. The internal policies and procedures that, if disclosed, could facilitate the unauthorized modification, disclosure, or destruction of data or information technology resources are confidential information and exempt from s. 119.07(1), except that such information shall be available to the Auditor General, ~~and~~ the Agency for State Enterprise Information Technology, and the Department of Law Enforcement for performing postauditing duties.

(e) Implement appropriate cost-effective safeguards to address identified risks to the data, information, and information technology resources of the agency.

(f) Ensure that periodic internal audits and evaluations of the agency's security program for the data, information, and information technology resources of the agency are conducted. The results of such audits and evaluations are confidential information and exempt from s. 119.07(1),

except that such information shall be available to the Auditor General, ~~and the Agency for State Enterprise Information Technology, and the Department of Law Enforcement for performing postauditing duties.~~

(g) Include appropriate security requirements in the written specifications for the solicitation of information technology and information technology resources and services that ~~which~~ are consistent with the rules and guidelines established by the Agency for ~~State Enterprise Information Technology.~~

(h) ~~Require that all agency employees complete the security awareness training offered by the Cybercrime Office in the Department of Law Enforcement. Provide security awareness training to employees and users of the agency's communication and information resources concerning information security risks and the responsibility of employees and users to comply with policies, standards, guidelines, and operating procedures adopted by the agency to reduce those risks.~~

(i) Develop a process for detecting, reporting, and responding to suspected or confirmed security ~~threats or~~ incidents, including suspected or confirmed breaches, consistent with the security rules and guidelines established by the Agency for ~~State Enterprise Information Technology.~~

1. Suspected or confirmed information security ~~threats, incidents, and~~ breaches must be ~~immediately~~ reported to the ~~Cybercrime Office in the Department of Law Enforcement within 24 hours after discovery~~ ~~Agency for Enterprise Information Technology.~~

2. For incidents involving breaches, agencies shall provide notice in accordance with s. 817.5681 and to the ~~Cybercrime Office in the Department of Law Enforcement~~ ~~Agency for Enterprise Information Technology~~ in accordance with this subsection.

(5) Each state agency shall include appropriate security requirements in the specifications for the solicitation of contracts for procuring information technology or information technology resources or services that ~~which~~ are consistent with the rules and guidelines established by the Agency for ~~State Enterprise Information Technology.~~

(6) The Agency for ~~State Enterprise Information Technology, in~~ consultation with the Cybercrime Office in the Department of Law Enforcement, may adopt rules relating to information security and to administer ~~the provisions of~~ this section.

(7) For purposes of this section, the term "agency" has the same meaning as provided in s. 216.011(1)(qq), except that the term "agency" does not include the judicial branch, state attorneys, public defenders, criminal conflict and civil regional counsel, capital collateral regional counsel, the Florida Clerks of Court Operations Corporation, or the Florida Housing Finance Corporation.

Section 16. Section 282.33, Florida Statutes, is repealed.

Section 17. Effective upon this act becoming a law, section 282.34, Florida Statutes, is repealed.

Section 18. Section 943.0415, Florida Statutes, is amended to read: 943.0415 Cybercrime Office.—

(1) There is created within the Department of Law Enforcement the Cybercrime Office.

(2) The office may:

(a) Investigate violations of state law pertaining to the sexual exploitation of children which are facilitated by or connected to the use of any device capable of storing electronic data.

(b) Monitor information technology resources and collect and analyze potential threats regarding potential cybersecurity incidents, including cyber attacks and breaches of personal information containing confidential or exempt data.

(c) Investigate violations of state law pertaining to suspected or confirmed cybersecurity incidents and assist in incident response and recovery.

(d) Provide security awareness training and information to state agency employees concerning cybersecurity, online sexual exploitation of children, and security risks and the responsibility of employees to comply with policies, standards, guidelines, and operating procedures adopted by the Agency for State Technology.

(e) Consult with the Agency for State Technology in the adoption of rules relating to the information security provisions of s. 282.318.

Section 19. Paragraph (e) of subsection (2) of section 110.205, Florida Statutes, is amended to read:

110.205 Career service; exemptions.—

(2) EXEMPT POSITIONS.—The exempt positions that are not covered by this part include the following:

(e) The Chief Information Officer in the Agency for ~~State Enterprise Information Technology.~~ Unless otherwise fixed by law, the Agency for ~~State Enterprise Information Technology~~ shall set the salary and benefits of this position in accordance with the rules of the Senior Management Service.

Section 20. Subsections (2) and (9) of section 215.322, Florida Statutes, are amended to read:

215.322 Acceptance of credit cards, charge cards, debit cards, or electronic funds transfers by state agencies, units of local government, and the judicial branch.—

(2) A state agency as defined in s. 216.011, or the judicial branch, may accept credit cards, charge cards, debit cards, or electronic funds transfers in payment for goods and services with the prior approval of the Chief Financial Officer. If the Internet or other related electronic methods are to be used as the collection medium, the Agency for ~~State Enterprise Information Technology~~ shall review and recommend to the Chief Financial Officer whether to approve the request with regard to the process or procedure to be used.

(9) For payment programs in which credit cards, charge cards, or debit cards are accepted by state agencies, the judicial branch, or units of local government, the Chief Financial Officer, in consultation with the Agency for ~~State Enterprise Information Technology~~, may adopt rules to establish uniform security safeguards for cardholder data and to ensure compliance with the Payment Card Industry Data Security Standards.

Section 21. Subsection (22) of section 287.057, Florida Statutes, is amended to read:

287.057 Procurement of commodities or contractual services.—

(22) The department, in consultation with the Agency for ~~State Enterprise Information Technology~~ and the Comptroller, shall develop a program for online procurement of commodities and contractual services. To enable the state to promote open competition and to leverage its buying power, agencies shall participate in the online procurement program, and eligible users may participate in the program. Only vendors prequalified as meeting mandatory requirements and qualifications criteria may participate in online procurement.

(a) The department, in consultation with the agency, may contract for equipment and services necessary to develop and implement online procurement.

(b) The department, in consultation with the agency, shall adopt rules, pursuant to ss. 120.536(1) and 120.54, to administer the program for online procurement. The rules shall include, but not be limited to:

1. Determining the requirements and qualification criteria for prequalifying vendors.

2. Establishing the procedures for conducting online procurement.

3. Establishing the criteria for eligible commodities and contractual services.

4. Establishing the procedures for providing access to online procurement.

5. Determining the criteria warranting any exceptions to participation in the online procurement program.

(c) The department may impose and shall collect all fees for the use of the online procurement systems.

1. The fees may be imposed on an individual transaction basis or as a fixed percentage of the cost savings generated. At a minimum, the fees must be set in an amount sufficient to cover the projected costs of the services, including administrative and project service costs in accordance with the policies of the department.

2. If the department contracts with a provider for online procurement, the department, pursuant to appropriation, shall compensate the provider from the fees after the department has satisfied all ongoing costs. The provider shall report transaction data to the department each month so that the department may determine the amount due and payable to the department from each vendor.

3. All fees that are due and payable to the state on a transactional basis or as a fixed percentage of the cost savings generated are subject to s. 215.31 and must be remitted within 40 days after receipt of payment for which the fees are due. For fees that are not remitted within 40 days, the vendor shall pay interest

at the rate established under s. 55.03(1) on the unpaid balance from the expiration of the 40-day period until the fees are remitted.

4. All fees and surcharges collected under this paragraph shall be deposited in the Operating Trust Fund as provided by law.

Section 22. Subsection (4) of section 445.011, Florida Statutes, is amended to read:

445.011 Workforce information systems.—

(4) Workforce Florida, Inc., shall coordinate development and implementation of workforce information systems with the executive director of the Agency for ~~State Enterprise Information~~ Technology to ensure compatibility with the state's information system strategy and enterprise architecture.

Section 23. Subsections (2) and (4) of section 445.045, Florida Statutes, are amended to read:

445.045 Development of an Internet-based system for information technology industry promotion and workforce recruitment.—

(2) Workforce Florida, Inc., shall coordinate with the Agency for ~~State Enterprise Information~~ Technology and the Department of Economic Opportunity to ensure links, where feasible and appropriate, to existing job information websites maintained by the state and state agencies and to ensure that information technology positions offered by the state and state agencies are posted on the information technology website.

(4)(a) Workforce Florida, Inc., shall coordinate development and maintenance of the website under this section with the executive director of the Agency for ~~State Enterprise Information~~ Technology to ensure compatibility with the state's information system strategy and enterprise architecture.

(b) Workforce Florida, Inc., may enter into an agreement with the Agency for ~~State Enterprise Information~~ Technology, the Department of Economic Opportunity, or any other public agency with the requisite information technology expertise for the provision of design, operating, or other technological services necessary to develop and maintain the website.

(c) Workforce Florida, Inc., may procure services necessary to implement ~~the provisions of~~ this section; if it employs competitive processes, including requests for proposals, competitive negotiation, and other competitive processes, to ensure that the procurement results in the most cost-effective investment of state funds.

Section 24. Paragraph (b) of subsection (18) of section 668.50, Florida Statutes, is amended to read:

668.50 Uniform Electronic Transaction Act.—

(18) ACCEPTANCE AND DISTRIBUTION OF ELECTRONIC RECORDS BY GOVERNMENTAL AGENCIES.—

(b) To the extent that a governmental agency uses electronic records and electronic signatures under paragraph (a), the Agency for ~~State Enterprise Information~~ Technology, in consultation with the governmental agency, giving due consideration to security, may specify:

1. The manner and format in which the electronic records must be created, generated, sent, communicated, received, and stored and the systems established for those purposes.

2. If electronic records must be signed by electronic means, the type of electronic signature required, the manner and format in which the electronic signature must be affixed to the electronic record, and the identity of, or criteria that must be met by, any third party used by a person filing a document to facilitate the process.

3. Control processes and procedures as appropriate to ensure adequate preservation, disposition, integrity, security, confidentiality, and auditability of electronic records.

4. Any other required attributes for electronic records which are specified for corresponding nonelectronic records or reasonably necessary under the circumstances.

Section 25. Subsections (1), (2), and (3) of section 1004.649, Florida Statutes, are amended to read:

1004.649 Northwest Regional Data Center.—

(1) For the purpose of serving its state agency customers for the 2013-2014 fiscal year, the Northwest Regional Data Center at Florida State University is designated as a ~~state primary~~ data center facility and shall:

(a) Operate under a governance structure that represents its customers proportionally.

(b) Maintain an appropriate cost-allocation methodology that accurately bills state agency customers based solely on the actual direct and indirect costs of the services provided to state agency customers, and prohibits the subsidization of nonstate agency customers' costs by state agency customers.

(c) Enter into a service-level agreement with each state agency customer to provide services as defined and approved by the governing board of the center. At a minimum, such service-level agreements must:

1. Identify the parties and their roles, duties, and responsibilities under the agreement;

2. State the duration of the agreement term and specify the conditions for renewal;

3. Identify the scope of work;

4. Establish the services to be provided, the business standards that must be met for each service, the cost of each service, and the process by which the business standards for each service are to be objectively measured and reported;

5. Provide a timely billing methodology for recovering the cost of services provided; and

6. Provide a procedure for modifying the service-level agreement to address any changes in projected costs of service.

(d) Provide to the Board of Governors the total annual budget by major expenditure category, including, but not limited to, salaries, expenses, operating capital outlay, contracted services, or other personnel services by July 30 each fiscal year.

(e) Provide to each state agency customer its projected annual cost for providing the agreed-upon data center services by September 1 each fiscal year.

(f) Provide a plan for consideration by the Legislative Budget Commission if the governing body of the center approves the use of a billing rate schedule after the start of the fiscal year that increases any state agency customer's costs for that fiscal year.

(2) The Northwest Regional Data Center's designation as a ~~state primary~~ data center facility for purposes of serving its state agency customers may be terminated if:

(a) The center requests such termination to the Board of Governors, the Senate President, and the Speaker of the House of Representatives; or

(b) The center fails to comply with the provisions of this section.

(3) If such designation is terminated, the center shall have 1 year to provide for the transition of its state agency customers to the ~~state data Southwood Shared Resource Center or the Northwood Shared Resource~~ center.

Section 26. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2013.

#### TITLE AMENDMENT

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to information technology governance; transferring the Agency for Enterprise Information Technology, the Northwood Shared Resource Center, and the Southwood Shared Resource Center to the Agency for State Technology; nullifying rules and proceedings of the Agency for Enterprise Information Technology; repealing s. 14.204, F.S., relating to the Agency for Enterprise Information Technology; creating s. 14.206, F.S.; creating the Agency for State Technology; providing that the agency executive director is the state's Chief Information Officer; providing duties and responsibilities of the agency; authorizing the agency to adopt rules; amending s. 282.0041, F.S.; defining the term "state data center"; revising definitions relating to communications and data processing; repealing ss. 17.0315, 282.0055, and 282.0056, F.S., relating to a financial and cash management system task force, responsibilities of the Agency for Enterprise Information Technology, and work plans, respectively; amending s. 282.201, F.S.; establishing a state data center; providing duties of the Agency for State Technology; revising duties of state agencies relating to consolidation of data centers; providing exceptions; revising duties of the data centers; revising restrictions on state

agencies; amending s. 282.203, F.S.; providing duties of the state data center and its director; authorizing the state data center to cease services to a customer entity under certain circumstances; deleting provisions relating to primary data centers and boards of trustees; repealing ss. 282.204 and 282.205, F.S., relating to the Northwood Shared Resource Center and the Southwood Shared Resource Center, respectively; amending s. 282.318, F.S.; revising provisions of the Enterprise Security of Data and Information Technology Act; providing responsibilities of the agency; revising and providing duties and responsibilities of state agencies; requiring certain employee training; authorizing the agency to adopt rules; defining the term "agency" for purposes of such act; repealing ss. 282.33 and 282.34, F.S., relating to energy efficiency standards and statewide e-mail service, respectively; amending s. 943.0415, F.S.; authorizing the Cybercrime Office of the Department of Law Enforcement to perform certain functions relating to information security; amending ss. 110.205, 215.322, 287.057, 445.011, 445.045, 668.50, and 1004.649, F.S.; conforming provisions to changes made by the act; providing effective dates.

Rep. McKeel moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

**SB 1506**—A bill to be entitled An act relating to trust funds; creating s. 282.221, F.S.; creating the State Technology Working Capital Trust Fund within the Department of State Technology; providing for the purpose of the trust fund and sources of funds; providing for future review and termination or recreation of the trust fund; providing a contingent effective date.

—was read the second time by title.

Representative McKeel offered the following:

(Amendment Bar Code: 700635)

**Amendment 1 (with title amendment)**—Remove everything after the enacting clause and insert:

Section 1. Section 282.221, Florida Statutes, is created to read:

282.221 State Technology Working Capital Trust Fund.—

(1) The State Technology Working Capital Trust Fund is created within the Agency for State Technology of the Executive Office of the Governor.

(2) The trust fund is established for use as a depository for funds received by the state data center from the billing of customer entities for the cost of services provided to the customer entity, funds received by the Agency for State Technology, interest earnings, and cash advances from customer entities. Moneys deposited in the trust fund shall be used to fund operations of the Agency for State Technology and the state data center.

(3) In accordance with s. 19(f)(2), Art. III of the State Constitution, the State Technology Working Capital Trust Fund shall, unless terminated sooner, be terminated on July 1, 2017. Before its scheduled termination, the trust fund shall be reviewed as provided in s. 215.3206(1) and (2).

Section 2. This act shall take effect July 1, 2013, if HB 5009 or similar legislation is adopted in the same legislative session or an extension thereof and becomes law.

#### TITLE AMENDMENT

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to trust funds; creating s. 282.221, F.S.; creating the State Technology Working Capital Trust Fund within the Agency for State Technology of the Executive Office of the Governor; providing for the purpose of the trust fund and sources of funds; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

Rep. McKeel moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

**SB 1504**—A bill to be entitled An act relating to state employees; providing for the resolution of collective bargaining issues at impasse between the state and certified bargaining units of state employees; providing an effective date.

—was read the second time by title.

Representative McKeel offered the following:

(Amendment Bar Code: 414313)

**Amendment 1 (with title amendment)**—Remove everything after the enacting clause and insert:

Section 1. All collective bargaining issues for which negotiations have reached an impasse for the 2013-2014 fiscal year between the State of Florida and the legal representatives of the certified bargaining units for state employees shall be resolved pursuant to the instructions provided in the General Appropriations Act and the relevant provisions of any legislation enacted to implement the General Appropriations Act for the 2013-2014 fiscal year.

Section 2. This act shall take effect July 1, 2013.

#### TITLE AMENDMENT

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to collective bargaining; providing for the resolution of collective bargaining issues at impasse between the State of Florida and certified bargaining units for state employees pursuant to specified instructions; providing an effective date.

Rep. McKeel moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

**SB 1810**—A bill to be entitled An act relating to the Florida Retirement System; amending ss. 112.363, 121.052, 121.055, and 121.071, F.S.; revising the employer contribution rates for the retiree health insurance subsidy; amending s. 121.71, F.S.; revising the required employer retirement contribution rates for members of each membership class and subclass of the Florida Retirement System; providing findings of an important state interest; providing an effective date.

—was read the second time by title.

Representative McKeel offered the following:

(Amendment Bar Code: 257161)

**Amendment 1 (with title amendment)**—Remove everything after the enacting clause and insert:

Section 1. Subsections (4) and (5) of section 121.71, Florida Statutes, are amended to read:

121.71 Uniform rates; process; calculations; levy.—

(4) Required employer retirement contribution rates for each membership class and subclass of the Florida Retirement System for both retirement plans are as follows:

Membership Class	<del>Percentage of</del> <del>Gross</del> <del>Compensation,</del> <del>Effective</del> <del>July 1, 2012</del>	Percentage of Gross Compensation, Effective July 1, 2013
Regular Class	<del>3.55%</del>	<u>3.53%</u> <del>3.55%</del>



Special Risk Class	<del>11.01%</del>	<u>11.00%</u> <del>11.01%</del>
Special Risk Administrative Support Class	<del>3.94%</del>	<u>4.17%</u> <del>3.94%</del>
Elected Officers' Class— Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, Public Defenders	<del>6.51%</del>	<u>6.52%</u> <del>6.51%</del>
Elected Officers' Class— Justices, Judges	<del>10.02%</del>	<u>10.05%</u> <del>10.02%</del>
Elected Officers' Class— County Elected Officers	<del>8.36%</del>	<u>8.44%</u> <del>8.36%</del>
Senior Management Class	<del>4.84%</del>	<u>4.81%</u> <del>4.84%</del>
DROP	<del>4.33%</del>	<u>4.63%</u> <del>4.33%</del>

(5) In order to address unfunded actuarial liabilities of the system, the required employer retirement contribution rates for each membership class and subclass of the Florida Retirement System for both retirement plans are as follows:

Membership Class	Percentage of Gross Compensation, Effective July 1, 2012	Percentage of Gross Compensation, Effective July 1, 2013
Regular Class	<del>0.49%</del>	<u>2.19%</u> <del>2.02%</del>
Special Risk Class	<del>2.75%</del>	<u>6.83%</u> <del>7.03%</del>
Special Risk Administrative Support Class	<del>0.83%</del>	<u>30.56%</u> <del>27.04%</del>
Elected Officers' Class— Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, Public Defenders	<del>0.88%</del>	<u>24.85%</u> <del>27.18%</del>
Elected Officers' Class— Justices, Judges	<del>0.77%</del>	<u>17.00%</u> <del>16.38%</del>
Elected Officers' Class— County Elected Officers	<del>0.73%</del>	<u>23.36%</u> <del>23.01%</del>

Senior Management ~~0.32%~~ 12.27% ~~11.25%~~  
Service Class

DROP ~~0.00%~~ 7.01% ~~6.21%~~

Section 2. The Legislature finds that a proper and legitimate state purpose is served when employees and retirees of the state and its political subdivisions, and the dependents, survivors, and beneficiaries of such employees and retirees, are extended the basic protections afforded by governmental retirement systems. These persons must be provided benefits that are fair and adequate and that are managed, administered, and funded in an actuarially sound manner, as required by s. 14, Article X of the State Constitution and part VII of chapter 112, Florida Statutes. Therefore, the Legislature determines and declares that this act fulfills an important state interest.

Section 3. This act shall take effect July 1, 2013.

#### TITLE AMENDMENT

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to Florida Retirement System; amending s. 121.71, F.S.; revising the required employer contribution rates for each membership class and subclass of the Florida Retirement System; providing that the act fulfills an important state interest; providing an effective date.

Rep. McKeel moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

**SB 1502**—A bill to be entitled An act relating to implementing the General Appropriations Act; providing legislative intent; incorporating by reference certain calculations of the Florida Education Finance Program for the 2013-2014 fiscal year; amending s. 216.292, F.S.; authorizing the transfer of funds between appropriation categories to fund fixed capital outlay projects for charter schools upon certain approval; incorporating by reference certain calculations of the Medicaid Low-Income Pool, Disproportionate Share Hospital, and Hospital Exemptions Programs for the 2013-2014 fiscal year; prohibiting the Department of Children and Families from requiring managing entities to conduct provider network procurement during the next fiscal year; providing requirements governing the continuation of Phase 3 of the Department of Health's Florida Onsite Sewage Nitrogen Reduction Strategies Study; specifying certain prohibitions before completion of the study; prioritizing which categories of individuals on the Agency for Persons with Disabilities wait list will be offered a slot on the Medicaid home and community-based waiver programs; providing that individuals remaining on the wait list are not entitled to an administrative proceeding; amending s. 216.262, F.S.; authorizing the Department of Corrections to submit a budget amendment for additional positions to operate additional prison bed capacity under certain circumstances; authorizing the Department of Legal Affairs to spend certain appropriated funds on programs that were funded by the department from specific appropriations in general appropriations acts in previous years; amending s. 932.7055, F.S.; authorizing a municipality to expend funds from its special law enforcement trust fund to reimburse the municipality's general fund; requiring the Department of Juvenile Justice to comply with specified reimbursement limitations with respect to payments to hospitals or health care providers for health care services; authorizing certain payments pursuant to a contracted rate only until the contract expires or is renewed; defining the term "hospital" for purposes of such limitations; amending s. 215.18, F.S.; providing for trust fund loans to the state court system sufficient to meet its appropriation; providing that any funds remaining in the Clerks of the Court Trust Fund remain available to the clerks; amending s. 29.008, F.S., relating to county funding of court-related functions; providing counties with an exemption from the requirement to annually increase certain expenditures by a specified percentage; providing performance and reporting requirements for the Department of Corrections

relating to the implementation of proviso language in the appropriations act; providing salary sanctions for failing to meet those requirements; requiring the Department of Management Services to use certain interest earnings to fund the administration of the MyFlorida.com portal; directing the Department of Management Services to use a tenant broker to renegotiate certain leases and provide a report to the Executive Office of the Governor and the Legislature; authorizing funds available in the Audit and Warrant Clearing Trust Fund to be available for certain interest payments to the Federal Government; amending s. 375.041, F.S.; providing for the transfer of moneys from the Land Acquisition Trust Fund to support the Total Maximum Daily Loads Program; providing for the transfer of moneys in the Land Acquisition Trust Fund to the Save Our Everglades Trust Fund for Everglades restoration; amending s. 373.59, F.S.; revising the allocation of moneys from the Water Management Lands Trust Fund; amending s. 403.7095, F.S.; requiring the Department of Environmental Protection to award a specified amount in grants to certain counties for solid waste programs; amending s. 259.105, F.S.; providing that certain funds in the Florida Forever Trust Fund be distributed to the Division of State Lands for certain Board of Trustees Florida Forever Priority List land acquisition projects; amending s. 339.135, F.S.; authorizing the Department of Transportation to use appropriated funds for land acquisition, design, and construction of multiuse trails and related facilities; amending s. 335.065, F.S.; authorizing the Department of Transportation to use certain funds for the acquisition and development of a system of interconnected multi-use trails; amending s. 339.08, F.S.; authorizing the Department of Transportation to expend funds to pay certain administrative costs of the multicounty transportation authority established under ch. 343, F.S.; authorizing the Executive Office of the Governor to transfer funds between departments for purposes of aligning amounts paid for risk management premiums and for purposes of aligning amounts paid for human resource management services; amending s. 110.123, F.S., relating to the state group insurance program; providing the amounts of the state's monthly contribution; amending s. 112.24, F.S.; providing conditions on the assignment of an employee of a state agency; providing that the annual salary of the members of the Legislature be maintained at a specified level; reenacting s. 215.32, F.S.; relating to the source and use of certain trust funds; reenacting s. 215.5601(4)(b), F.S., relating to the administration of the Lawton Chiles Endowment Fund; providing a legislative determination that the issuance of new debt is in the best interests of the state and necessary to address a critical state emergency; limiting the use of travel funds to activities that are critical to an agency's mission; providing exceptions; authorizing certain agencies to request the transfer of resources between Data Processing Services appropriation categories and appropriation categories for operation based upon changes to the data center services consolidation schedule; authorizing the Executive Office of the Governor to transfer funds for use by the state's designated primary data centers; reenacting and amending s. 110.12315, F.S., relating to the state employee prescription drug program; updating provisions specifying copayment amounts; repealing section 53, Laws of Florida, providing for the reversion of provisions relating to the prescription drug program to the 2010 statutes; providing for reversion of statutory text of certain provisions; providing for the effect of a veto of one or more specific appropriations or proviso to which implementing language refers; providing for the continued operation of certain provisions notwithstanding a future repeal or expiration provided by this act; providing for severability; providing effective dates.

—was read the second time by title.

Representative McKeel offered the following:

(Amendment Bar Code: 502333)

**Amendment 1 (with title amendment)**—Remove everything after the enacting clause and insert:

Section 1. It is the intent of the Legislature that the implementing and administering provisions of this act apply to the General Appropriations Act for the 2013-2014 fiscal year.

Section 2. In order to implement Specific Appropriations 7, 8, 9, 87, and 88 of the 2013-2014 General Appropriations Act, the calculations of the Florida Education Finance Program for the 2013-2014 fiscal year in the document entitled "Public School Funding-The Florida Education Finance Program," dated March 28, 2013, and filed with the Clerk of the House of Representatives, are incorporated by reference for the purpose of displaying the calculations used by the Legislature, consistent with the requirements of the Florida Statutes, in making appropriations for the Florida Education Finance Program. This section expires July 1, 2014.

Section 3. In order to implement Specific Appropriations 7 and 87 of the 2013-2014 General Appropriations Act and notwithstanding the provisions of ss. 1006.28 through 1006.42, 1002.20, 1003.02, 1011.62(6)(b)5., and 1011.67, Florida Statutes, relating to the expenditure of funds provided for instructional materials, for the 2013-2014 fiscal year, funds provided for instructional materials shall be released and expended as required in the proviso language attached to Specific Appropriation 87. This section expires July 1, 2014.

Section 4. In order to implement Specific Appropriation 89A of the 2013-2014 General Appropriations Act, the calculations for the Accelerated Connectivity Highway for the 2013-2014 fiscal year in the document entitled "Public School Funding Accelerated Connectivity Highway School District Bandwidth," dated March 28, 2013, and filed with the Clerk of the House of Representatives, are incorporated by reference for the purpose of displaying the calculations used by the House of Representatives in making appropriations for the Accelerated Connectivity Highway. For purposes of acquiring only the additional bandwidth capacity identified in the "Public School Funding Accelerated Connectivity Highway School District Bandwidth" document, each school must purchase the identified amount of bandwidth from the contract (number DMS-08-09-061) executed on January 12, 2009, by and between AT&T and the Department of Management Services for the provision of internet access and telecommunications services unless a school verifies to the Department of Education that it can purchase the identified amount of bandwidth from a service provider at a price that is less than the price indicated in the contract cited above. This section expires July 1, 2014.

Section 5. In order to implement Specific Appropriation 19, paragraph (e) of subsection (9) of section 1002.32, Florida Statutes, is amended to read:

1002.32 Developmental research (laboratory) schools.—

(9) FUNDING.—Funding for a lab school, including a charter lab school, shall be provided as follows:

(e)1. Each lab school shall receive funds for capital improvement purposes in an amount determined as follows: multiply the maximum allowable nonvoted discretionary millage for capital improvements pursuant to s. 1011.71(2) by the value of 96 percent of the current year's taxable value for school purposes for the district in which each lab school is located; divide the result by the total full-time equivalent membership of the district; and multiply the result by the full-time equivalent membership of the lab school. The amount thus obtained shall be discretionary capital improvement funds and shall be appropriated from state funds in the General Appropriations Act to the Lab School Educational Facility Trust Fund.

2. Notwithstanding the provisions of subparagraph 1., for the 2013-2014 fiscal year, funds appropriated for capital improvement purposes will be divided equally between the lab schools. This subparagraph expires July 1, 2014.

Section 6. (1) In order to implement Specific Appropriation 493 of the 2013-2014 General Appropriations Act, and for the 2013-2014 fiscal year only, the following requirements govern the completion of Phase 3 of the Department of Health's Florida Onsite Sewage Nitrogen Reduction Strategies Study:

(a) The Department of Health's underlying contract for the study remains in full force and effect and funding for completion of the project is through the Department of Health.

(b) The Department of Health, the Department of Health's Research Review and Advisory Committee, and the Department of Environmental Protection shall work together to provide the necessary technical oversight of the completion of the project.

(c) Management and oversight of the completion of the project must be consistent with the terms of the existing contract. However, the main focus and priority to be completed during Phase 3 shall be developing, testing, and recommending cost-effective passive technology design criteria for nitrogen reduction.

(d) The systems installed at homesites are experimental in nature and shall be installed with significant field testing and monitoring. The Department of Health is specifically authorized to allow installation of these experimental systems.

(2) This section expires July 1, 2014.

Section 7. In order to implement Specific Appropriations 202, 208 through 210, and 213 of the 2013-2014 General Appropriations Act, the calculations of the Medicaid Low-Income Pool, Disproportionate Share Hospital, and Hospital Reimbursement Programs for the 2013-2014 fiscal year in the document entitled "Medicaid Supplemental Hospital Funding Programs" dated March 28, 2013, and filed with the Clerk of the House of Representatives, are incorporated by reference for the purpose of displaying the calculations used by the Legislature, consistent with the requirements of the Florida Statutes, in making appropriations for the Low-Income Pool, Disproportionate Share Hospital, and Hospital Reimbursement Programs. This section expires July 1, 2014.

Section 8. In order to implement Specific Appropriations 602 through 678 and 701 through 736 of the 2013-2014 General Appropriations Act, subsection (4) of section 216.262, Florida Statutes, is amended to read:

216.262 Authorized positions.—

(4) Notwithstanding the provisions of this chapter relating to increasing the number of authorized positions, and for the 2013-2014 ~~2012-2013~~ fiscal year only, if the actual inmate population of the Department of Corrections exceeds the inmate population projections of the February 19 ~~December 14,~~ 2013 ~~2014~~, Criminal Justice Estimating Conference by 1 percent for 2 consecutive months or 2 percent for any month, the Executive Office of the Governor, with the approval of the Legislative Budget Commission, shall immediately notify the Criminal Justice Estimating Conference, which shall convene as soon as possible to revise the estimates. The Department of Corrections may then submit a budget amendment requesting the establishment of positions in excess of the number authorized by the Legislature and additional appropriations from unallocated general revenue sufficient to provide for essential staff, fixed capital improvements, and other resources to provide classification, security, food services, health services, and other variable expenses within the institutions to accommodate the estimated increase in the inmate population. All actions taken pursuant to this subsection are subject to review and approval by the Legislative Budget Commission. This subsection expires July 1, 2014 ~~2013~~.

Section 9. In order to implement Specific Appropriations 1211 and 1216 of the 2013-2014 General Appropriations Act, paragraph (d) of subsection (4) of section 932.7055, Florida Statutes, is amended to read:

932.7055 Disposition of liens and forfeited property.—

(4) The proceeds from the sale of forfeited property shall be disbursed in the following priority:

(d) Notwithstanding any other provision of this subsection, and for the 2013-2014 ~~2012-2013~~ fiscal year only, the funds in a special law enforcement trust fund established by the governing body of a municipality may be expended to reimburse the general fund of the municipality for moneys advanced from the general fund to the special law enforcement trust fund before October 1, 2001. This paragraph expires July 1, 2014 ~~2013~~.

Section 10. (1) In order to implement Specific Appropriations 1075, 1076, 1081, 1082, 1129, 1130, 1134, 1135, 1137, 1141, 1142, 1145, 1146, 1147, 1158, and 1163 of the 2013-2014 General Appropriations Act, the Department of Juvenile Justice must comply with the following reimbursement limitations:

(a) Payments to a hospital or a health care provider may not exceed 110 percent of the Medicare allowable rate for any health care services provided if there is no contract between the department and the hospital or the health care provider providing services at a hospital.

(b) The department may continue to make payments for health care services at the currently contracted rates through the current term of the contract if a contract has been executed between the department and a

hospital or a health care provider providing services at a hospital; however, payments may not exceed 110 percent of the Medicare allowable rate after the current term of the contract expires or after the contract is renewed during the 2013-2014 fiscal year.

(c) Payments may not exceed 110 percent of the Medicare allowable rate under a contract executed on or after July 1, 2013, between the department and a hospital or a health care provider providing services at a hospital.

(d) Notwithstanding paragraphs (a), (b), and (c), the department may pay up to 125 percent of the Medicare allowable rate for health care services at a hospital that reports or has reported a negative operating margin for the previous fiscal year to the Agency for Health Care Administration through hospital-audited financial data.

(e) The department may not execute a contract for health care services at a hospital for rates other than rates based on a percentage of the Medicare allowable rate.

(2) For purposes of this section, the term "hospital" means a hospital licensed under chapter 395, Florida Statutes.

(3) This section expires July 1, 2014.

Section 11. In order to implement section 7 of the 2013-2014 General Appropriations Act, paragraph (c) of subsection (4) of section 29.008, Florida Statutes, is amended to read:

29.008 County funding of court-related functions.—

(4)

(c) Counties are exempt from all requirements and provisions of paragraph (a) for the 2013-2014 ~~2012-2013~~ fiscal year. Accordingly, for the 2013-2014 ~~2012-2013~~ fiscal year, counties shall maintain, but are not required to increase, their expenditures for the items specified in paragraphs (1)(a)-(h) and subsection (3). The requirements described in paragraph (a) shall be reinstated beginning with the 2014-2015 ~~2013-2014~~ fiscal year. This paragraph expires July 1, 2014 ~~2013~~.

Section 12. In order to implement appropriations used for the payments of existing lease contracts for private lease space in excess of 2,000 square feet in the 2013-2014 General Appropriations Act, the Department of Management Services, together with the cooperation of the agencies having the existing lease contracts for office or storage space, shall utilize tenant broker services to renegotiate or reprocure all private lease agreements for office or storage space expiring between July 1, 2014, and June 30, 2016, in order to achieve a reduction in costs in future years. The department shall incorporate this initiative into its 2013 Master Leasing Report and may use tenant broker services to explore the possibilities of collocation of office or storage space, to review the space needs of each agency, and to review the length and terms of potential renewals or renegotiations. The department shall provide a report by November 1, 2013, to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives which lists each lease contract for private office or storage space, the status of renegotiations, and the savings achieved. This section expires July 1, 2014.

Section 13. In order to implement Specific Appropriations 3073A through 3073L of the 2013-2014 General Appropriations Act, notwithstanding s. 215.199(2), Florida Statutes, funds available in the Audit and Warrant Clearing Trust Fund for subsequent distribution to the General Revenue Fund shall be available to the tax collection service provider, as defined in s. 443.036(43), Florida Statutes, who shall make the interest payment required by s. 443.131(5), Florida Statutes, to the Federal Government in the amount directed by the Governor or the Governor's designee. This section expires July 1, 2014.

Section 14. In order to implement Specific Appropriations 2245 through 2254 of the 2013-2014 General Appropriations Act, section 624.502, Florida Statutes, is amended to read:

624.502 Service of process fee.—In all instances as provided in any section of the insurance code and s. 48.151(3) in which service of process is authorized to be made upon the Chief Financial Officer or the director of the office, the plaintiff shall pay to the department or office a fee of \$15 for such service of process, which fee shall be deposited into the Administrative Trust Fund ~~Insurance Regulatory Trust Fund~~.

Section 15. The amendment made by this act to s. 624.502, Florida Statutes, shall expire July 1, 2014, and the text of that section shall revert to that in existence on June 30, 2013, except that any amendments to such text

enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text that expire pursuant to this section.

Section 16. In order to implement Specific Appropriation 1626 of the 2013-2014 General Appropriations Act, paragraph (e) is added to subsection (5) of section 161.143, Florida Statutes, to read:

161.143 Inlet management; planning, prioritizing, funding, approving, and implementing projects.—

(5) The department shall annually provide an inlet management project list, in priority order, to the Legislature as part of the department's budget request. The list must include studies, projects, or other activities that address the management of at least 10 separate inlets and that are ranked according to the criteria established under subsection (2).

(e) Notwithstanding paragraphs (a) and (b), and for the 2013-2014 fiscal year only, the amount allocated for inlet management funding is provided in the General Appropriations Act. This paragraph expires July 1, 2014.

Section 17. In order to implement Specific Appropriations 1619 and 1644 of the 2013-2014 General Appropriations Act, paragraph (b) of subsection (3) of section 375.041, Florida Statutes, is amended to read:

375.041 Land Acquisition Trust Fund.—

(3)

(b) In addition to the uses allowed under paragraph (a), for the 2013-2014 ~~2012-2013~~ fiscal year, moneys in the Land Acquisition Trust Fund are authorized for transfer to support the Total Maximum Daily Loads Program and the Small Community Wastewater Treatment Grant Program, ~~Drinking Water Revolving Loan Trust Fund, and Wastewater Treatment and Stormwater Management Revolving Loan Trust Fund~~ as provided in the General Appropriations Act. This paragraph expires July 1, 2014 ~~2013~~.

Section 18. In order to implement Specific Appropriation 1599 and 1600 of the 2013-2014 General Appropriations Act, subsections (1) and (12) of section 373.59, Florida Statutes, are amended to read:

373.59 Water Management Lands Trust Fund.—

(1) There is established within the Department of Environmental Protection the Water Management Lands Trust Fund to be used as a nonlapsing fund for the purposes of this section. The moneys in this fund are hereby continually appropriated for the purposes of land acquisition, management, maintenance, capital improvements of land titled to the districts, payments in lieu of taxes, debt service on bonds issued prior to July 1, 1999, debt service on bonds issued on or after July 1, 1999, which are issued to refund bonds issued before July 1, 1999, preacquisition costs associated with land purchases, the Everglades Restoration Strategies Regional Water Quality Plan, and the department's costs of administration of the fund. No refunding bonds may be issued which mature after the final maturity date of the bonds being refunded or which provide for higher debt service in any year than is payable on such bonds as of February 1, 2009. The department's costs of administration shall be charged proportionally against each district's allocation using the formula provided in subsection (8). Capital improvements shall include, but need not be limited to, perimeter fencing, signs, firelanes, control of invasive exotic species, controlled burning, habitat inventory and restoration, law enforcement, access roads and trails, and minimal public accommodations, such as primitive campsites, garbage receptacles, and toilets. The moneys in the fund may also be appropriated to supplement operational expenditures at the Northwest Florida Water Management District and the Suwannee River Water Management District, with such appropriations allocated prior to the allocations set out in subsection (8) to the five water management districts.

(12) Notwithstanding subsection (8), and for the 2013-2014 ~~2012-2013~~ fiscal year only, the moneys from the Water Management Lands Trust Fund are allocated as follows:

(a) An amount necessary to pay debt service on bonds issued before February 1, 2009, by the South Florida Water Management District and the St. Johns River Water Management District, which are secured by revenues provided pursuant to this section, or to fund debt service reserve funds, rebate obligations, or other amounts payable with respect to such bonds. ~~;~~

(b) Eight million dollars to be transferred to the General Revenue Fund. ~~;~~  
~~and~~

(c) An amount appropriated in CS/HB 7065, 2013 Regular Session, or similar legislation, if such legislation is enacted and becomes law, to be transferred to the Save Our Everglades Trust Fund for the Everglades Restoration Strategies Regional Water Quality Plan.

(d) Three million dollars to be distributed to the Northwest Florida Water Management District for Apalachicola Bay water quality improvement projects.

(e) Three million dollars to be distributed to the Suwannee River Water Management District for springs restoration and protection.

(f) Eight million three hundred thousand dollars to be distributed to the South Florida Water Management District for J.W. Corbett Levee system improvements.

(g)(~~e~~) The remaining appropriation to be equally distributed between the Northwest Florida Water Management District, which may be used to establish minimum flows and levels, and ~~to~~ the Suwannee River Water Management District.

This subsection expires July 1, 2014 ~~2013~~.

Section 19. The amendment made by this act to s. 373.59(1), Florida Statutes, shall expire July 1, 2014, and the text of that section shall revert to that in existence on June 30, 2013, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text that expire pursuant to this section.

Section 20. In order to implement Specific Appropriation 1671 of the 2013-2014 General Appropriations Act, subsection (5) of section 403.7095, Florida Statutes, is amended to read:

403.7095 Solid waste management grant program.—

(5) Notwithstanding any other provision of this section, and for the 2013-2014 ~~2012-2013~~ fiscal year only, the Department of Environmental Protection shall award the sum of \$3 million ~~\$2,400,000~~ in grants equally to counties having populations of fewer than 100,000 for waste tire and litter prevention, recycling education, and general solid waste programs. This subsection expires July 1, 2014 ~~2013~~.

Section 21. In order to implement Specific Appropriation 1439 of the 2013-2014 General Appropriations Act and to provide consistency and continuity in the promotion of agriculture throughout the state, notwithstanding s. 287.057, Florida Statutes, the Department of Agriculture and Consumer Services may extend, revise, and renew current contracts or agreements created or entered into pursuant to chapter 2006-25, Laws of Florida. This section expires July 1, 2014.

Section 22. In order to implement Specific Appropriation 1544 of the 2013-2014 General Appropriations Act, paragraph (m) of subsection (3) of section 259.105, Florida Statutes, is amended to read:

259.105 The Florida Forever Act.—

(3) Less the costs of issuing and the costs of funding reserve accounts and other costs associated with bonds, the proceeds of cash payments or bonds issued pursuant to this section shall be deposited into the Florida Forever Trust Fund created by s. 259.1051. The proceeds shall be distributed by the Department of Environmental Protection in the following manner:

(m) Notwithstanding paragraphs (a)-(j) and for the 2013-2014 ~~2012-2013~~ fiscal year only, the moneys appropriated from the Florida Forever Trust Fund shall be distributed only to the Division of State Lands within the Department of Environmental Protection for land acquisitions that are less-than-fee interest or for partnerships in which the state's portion of the acquisition cost is no more than 50 percent, or for conservation lands needed for military buffering or springs or water resources protection. This paragraph expires July 1, 2014 ~~2013~~.

Section 23. In order to implement Specific Appropriation 1668 of the 2013-2014 General Appropriations Act, paragraph (d) is added to subsection (2) of section 376.30711, Florida Statutes, to read:

376.30711 Preapproved site rehabilitation, effective March 29, 1995.—

(2)(a) Competitive bidding pursuant to this section shall not be subject to the requirements of s. 287.055. The department is authorized to use competitive bid procedures or negotiated contracts for preapproving all costs and rehabilitation procedures for site-specific rehabilitation projects through

performance-based contracts. Site rehabilitation shall be conducted according to the priority ranking order established pursuant to s. 376.3071(5).

(d) Notwithstanding paragraph (a), for the 2013-2014 fiscal year, competitive bidding pursuant to this section is subject to the requirements of s. 287.055. This paragraph expires July 1, 2014.

Section 24. In order to implement the appropriation of funds in the contracted services and expense categories of the 2013-2014 General Appropriations Act, no state agency may initiate a competitive solicitation for a product or service if the completion of such competitive solicitation would:

(1) Require a change in law; or

(2) Require a change to the agency's budget other than a transfer authorized in s. 216.292(2) or (3), Florida Statutes, unless the initiation of such competitive solicitation is specifically authorized in law or in the General Appropriations Act.

This section does not apply to a competitive solicitation for which the agency head certifies that a valid emergency exists. This section expires July 1, 2014.

Section 25. In order to implement the appropriation of funds in appropriation category "Special Categories-Risk Management Insurance" in the 2013-2014 General Appropriations Act, and pursuant to the notice, review, and objection procedures of s. 216.177, Florida Statutes, the Executive Office of the Governor may transfer funds appropriated in that category between departments in order to align the budget authority granted with the premiums paid by each department for risk management insurance. This section expires July 1, 2014.

Section 26. In order to implement the appropriation of funds in the appropriation category "Special Categories-Transfer to Department of Management Services-Human Resources Services Purchased Per Statewide Contract" in the 2013-2014 General Appropriations Act, and pursuant to the notice, review, and objection procedures of s. 216.177, Florida Statutes, the Executive Office of the Governor may transfer funds appropriated in that category between departments in order to align the budget authority granted with the assessments that must be paid by each agency to the Department of Management Services for human resource management services. This section expires July 1, 2014.

Section 27. In order to implement specific appropriations for salaries and benefits in the 2013-2014 General Appropriations Act, paragraph (a) of subsection (12) of section 110.123, Florida Statutes, is amended to read:

110.123 State group insurance program.—

(12) HEALTH SAVINGS ACCOUNTS.—The department is authorized to establish health savings accounts for full-time and part-time state employees in association with a health insurance plan option authorized by the Legislature and conforming to the requirements and limitations of federal provisions relating to the Medicare Prescription Drug, Improvement, and Modernization Act of 2003.

(a)1. A member participating in this health insurance plan option is eligible to receive an employer contribution into the employee's health savings account from the State Employees Health Insurance Trust Fund in an amount to be determined by the Legislature. A member is not eligible for an employer contribution upon termination of employment. For the 2013-2014 ~~2012-2013~~ fiscal year, the state's monthly contribution for employees having individual coverage shall be \$41.66 and the monthly contribution for employees having family coverage shall be \$83.33.

2. A member participating in this health insurance plan option is eligible to deposit the member's own funds into a health savings account.

Section 28. In order to implement specific appropriations for salaries and benefits in the 2013-2014 General Appropriations Act, subsection (6) of section 112.24, Florida Statutes, is amended to read:

112.24 Intergovernmental interchange of public employees.—To encourage economical and effective utilization of public employees in this state, the temporary assignment of employees among agencies of government, both state and local, and including school districts and public institutions of higher education is authorized under terms and conditions set forth in this section. State agencies, municipalities, and political subdivisions are authorized to enter into employee interchange agreements with other state agencies, the Federal Government, another state, a municipality, or a political

subdivision including a school district, or with a public institution of higher education. State agencies are also authorized to enter into employee interchange agreements with private institutions of higher education and other nonprofit organizations under the terms and conditions provided in this section. In addition, the Governor or the Governor and Cabinet may enter into employee interchange agreements with a state agency, the Federal Government, another state, a municipality, or a political subdivision including a school district, or with a public institution of higher learning to fill, subject to the requirements of chapter 20, appointive offices which are within the executive branch of government and which are filled by appointment by the Governor or the Governor and Cabinet. Under no circumstances shall employee interchange agreements be utilized for the purpose of assigning individuals to participate in political campaigns. Duties and responsibilities of interchange employees shall be limited to the mission and goals of the agencies of government.

(6) For the 2013-2014 ~~2012-2013~~ fiscal year only, the assignment of an employee of a state agency as provided in this section may be made if recommended by the Governor or Chief Justice, as appropriate, and approved by the chairs of the legislative appropriations committees. Such actions shall be deemed approved if neither chair provides written notice of objection within 14 days after the chair's receiving notice of the action pursuant to s. 216.177. This subsection expires July 1, 2014 ~~2013~~.

Section 29. In order to implement the transfer of funds to the General Revenue Fund from trust funds in the 2013-2014 General Appropriations Act, paragraph (b) of subsection (2) of section 215.32, Florida Statutes, is reenacted to read:

215.32 State funds; segregation.—

(2) The source and use of each of these funds shall be as follows:

(b)1. The trust funds shall consist of moneys received by the state which under law or under trust agreement are segregated for a purpose authorized by law. The state agency or branch of state government receiving or collecting such moneys is responsible for their proper expenditure as provided by law. Upon the request of the state agency or branch of state government responsible for the administration of the trust fund, the Chief Financial Officer may establish accounts within the trust fund at a level considered necessary for proper accountability. Once an account is established, the Chief Financial Officer may authorize payment from that account only upon determining that there is sufficient cash and releases at the level of the account.

2. In addition to other trust funds created by law, to the extent possible, each agency shall use the following trust funds as described in this subparagraph for day-to-day operations:

a. Operations or operating trust fund, for use as a depository for funds to be used for program operations funded by program revenues, with the exception of administrative activities when the operations or operating trust fund is a proprietary fund.

b. Operations and maintenance trust fund, for use as a depository for client services funded by third-party payors.

c. Administrative trust fund, for use as a depository for funds to be used for management activities that are departmental in nature and funded by indirect cost earnings and assessments against trust funds. Proprietary funds are excluded from the requirement of using an administrative trust fund.

d. Grants and donations trust fund, for use as a depository for funds to be used for allowable grant or donor agreement activities funded by restricted contractual revenue from private and public nonfederal sources.

e. Agency working capital trust fund, for use as a depository for funds to be used pursuant to s. 216.272.

f. Clearing funds trust fund, for use as a depository for funds to account for collections pending distribution to lawful recipients.

g. Federal grant trust fund, for use as a depository for funds to be used for allowable grant activities funded by restricted program revenues from federal sources.

To the extent possible, each agency must adjust its internal accounting to use existing trust funds consistent with the requirements of this subparagraph. If an agency does not have trust funds listed in this subparagraph and cannot make such adjustment, the agency must recommend the creation of the necessary

trust funds to the Legislature no later than the next scheduled review of the agency's trust funds pursuant to s. 215.3206.

3. All such moneys are hereby appropriated to be expended in accordance with the law or trust agreement under which they were received, subject always to the provisions of chapter 216 relating to the appropriation of funds and to the applicable laws relating to the deposit or expenditure of moneys in the State Treasury.

4.a. Notwithstanding any provision of law restricting the use of trust funds to specific purposes, unappropriated cash balances from selected trust funds may be authorized by the Legislature for transfer to the Budget Stabilization Fund and General Revenue Fund in the General Appropriations Act.

b. This subparagraph does not apply to trust funds required by federal programs or mandates; trust funds established for bond covenants, indentures, or resolutions whose revenues are legally pledged by the state or public body to meet debt service or other financial requirements of any debt obligations of the state or any public body; the Division of Licensing Trust Fund in the Department of Agriculture and Consumer Services; the State Transportation Trust Fund; the trust fund containing the net annual proceeds from the Florida Education Lotteries; the Florida Retirement System Trust Fund; trust funds under the management of the State Board of Education or the Board of Governors of the State University System, where such trust funds are for auxiliary enterprises, self-insurance, and contracts, grants, and donations, as those terms are defined by general law; trust funds that serve as clearing funds or accounts for the Chief Financial Officer or state agencies; trust funds that account for assets held by the state in a trustee capacity as an agent or fiduciary for individuals, private organizations, or other governmental units; and other trust funds authorized by the State Constitution.

Section 30. The amendment to s. 215.32(2)(b), Florida Statutes, as carried forward by this act from chapter 2011-47, Laws of Florida, shall expire July 1, 2014, and the text of that paragraph shall revert to that in existence on June 30, 2011, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.

Section 31. In order to implement the issuance of new debt authorized in the 2013-2014 General Appropriations Act, and pursuant to s. 215.98, Florida Statutes, the Legislature determines that the authorization and issuance of debt for the 2013-2014 fiscal year should be implemented, is in the best interest of the state, and necessary to address a critical state emergency. This section expires July 1, 2014.

Section 32. In order to implement the funds appropriated in the 2013-2014 General Appropriations Act for state employee travel, the funds appropriated to each state agency, which may be used for travel by state employees, are limited during the 2013-2014 fiscal year to travel for activities that are critical to each state agency's mission. Funds may not be used to pay for travel by state employees to foreign countries, other states, conferences, staff-training activities, or other administrative functions unless the agency head has approved in writing that such activities are critical to the agency's mission. The agency head must consider the use of teleconferencing and other forms of electronic communication to meet the needs of the proposed activity before approving mission-critical travel. This section does not apply to travel for law enforcement purposes, military purposes, emergency management activities, or public health activities. This section expires July 1, 2014.

Section 33. In order to implement appropriations authorized in the 2013-2014 General Appropriations Act for data center services scheduled for consolidation in the 2013-2014 fiscal year, pursuant to the notice, review, and objection procedures of s. 216.177, Florida Statutes, the consolidating agencies may request the transfer of resources between Data Processing Services appropriation categories and the appropriation categories for operations based upon changes to the consolidation schedule. This section expires July 1, 2014.

Section 34. In order to implement the appropriations authorized in the 2013-2014 General Appropriations Act for the Northwood Shared Resource Center, the Southwood Shared Resource Center, and the Northwest Regional Data Center, which are funded from the data processing appropriation category for computing services of user agencies, and pursuant to the notice, review, and objection procedures of s. 216.177, Florida Statutes, the Executive

Office of the Governor may transfer funds appropriated for data processing in the 2013-2014 General Appropriations Act between agencies in order to align the budget authority granted with the utilization rate of each department. This section expires July 1, 2014.

Section 35. In order to implement appropriations authorized in the 2013-2014 General Appropriations Act for data center services, and notwithstanding s. 216.292(2)(a), Florida Statutes, except as authorized in section 33 or section 34, no agency may transfer funds from a data processing category to any category other than another data processing category. This section expires July 1, 2014.

Section 36. In order to implement Specific Appropriation 2825 of the 2013-2014 General Appropriations Act, the Executive Office of the Governor may transfer funds appropriated in the appropriation category "Expenses" of the 2013-2014 General Appropriations Act between agencies in order to allocate a reduction relating to SUNCOM services. This section expires July 1, 2014.

Section 37. In order to implement section 8 of the 2013-2014 General Appropriations Act, paragraph (b) of subsection (2) of section 110.12315, Florida Statutes, is reenacted and subsection (7) of that section is reenacted and amended to read:

110.12315 Prescription drug program.—The state employees' prescription drug program is established. This program shall be administered by the Department of Management Services, according to the terms and conditions of the plan as established by the relevant provisions of the annual General Appropriations Act and implementing legislation, subject to the following conditions:

(2) In providing for reimbursement of pharmacies for prescription medicines dispensed to members of the state group health insurance plan and their dependents under the state employees' prescription drug program:

(b) There shall be a 30-day supply limit for prescription card purchases and 90-day supply limit for mail order or mail order prescription drug purchases. The Department of Management Services may implement a 90-day supply limit program for certain maintenance drugs as determined by the department at retail pharmacies participating in the program if the department determines it to be in the best financial interest of the state.

(7) Under the state employees' prescription drug program copayments must be made as follows:

(a) Effective January 1, 2013 ~~2012~~, for the State Group Health Insurance Standard Plan:

1. For generic drug with card.....\$7.
2. For preferred brand name drug with card.....\$30.
3. For nonpreferred brand name drug with card.....\$50.
4. For generic mail order drug.....\$14.
5. For preferred brand name mail order drug.....\$60.
6. For nonpreferred brand name mail order drug.....\$100.

Section 38. (1) The amendment to s. 110.12315(2)(b), Florida Statutes, as carried forward by this act from chapter 2012-119, Laws of Florida, shall expire July 1, 2014, and the text of that paragraph shall revert to that in existence on June 30, 2012, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.

(2) The amendment to s. 110.12315(7)(a), Florida Statutes, as carried forward by this act from chapter 2012-119, Laws of Florida, shall expire July 1, 2014, and the text of that paragraph shall revert to that in existence on December 31, 2010, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.

Section 39. Any section of this act that implements a specific appropriation or specifically identified proviso language in the 2013-2014 General Appropriations Act is void if the specific appropriation or specifically identified proviso language is vetoed. Any section of this act that implements more than one specific appropriation or more than one portion of specifically identified proviso language in the 2013-2014 General Appropriations Act is void if all the specific appropriations or portions of specifically identified proviso language are vetoed.

Section 40. If any other act passed during the 2013 Regular Session contains a provision that is substantively the same as a provision in this act, but that removes or is otherwise not subject to the future repeal applied to such provision by this act, the Legislature intends that the provision in the other act takes precedence and continues to operate, notwithstanding the future repeal provided by this act.

Section 41. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Section 42. This act shall take effect July 1, 2013, or if this act fails to become a law until after that date, it shall take effect upon becoming a law and shall operate retroactively to July 1, 2013.

#### TITLE AMENDMENT

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to implementing the 2013-2014 General Appropriations Act; providing legislative intent; incorporating by reference certain calculations of the Florida Education Finance Program for the 2013-2014 fiscal year; providing that funds for instructional materials shall be released and expended as required in specified proviso language, notwithstanding certain other provisions of law; incorporating by reference certain calculations for the Accelerated Connectivity Highway for the 2013-2014 fiscal year; providing bandwidth purchasing requirements; amending s. 1002.32, F.S.; providing for the distribution of capital improvement funding for lab schools; providing requirements to govern the Department of Health's Florida Onsite Sewage Nitrogen Reduction Strategies Study; incorporating by reference certain calculations of the Medicaid Low-Income Pool, Disproportionate Share Hospital, and Hospital Reimbursement Programs for the 2013-2014 fiscal year; amending s. 216.262, F.S.; authorizing the Department of Corrections to submit a budget amendment for additional positions to operate additional prison bed capacity under certain circumstances; amending s. 932.7055, F.S.; authorizing a municipality to expend funds from its special law enforcement trust fund to reimburse the municipality's general fund; requiring the Department of Juvenile Justice to comply with specified reimbursement limitations with respect to payments to hospitals or health care providers for health care services; authorizing certain payments pursuant to a contracted rate only until the contract expires or is renewed; defining the term "hospital" for purposes of such limitations; amending s. 29.008, F.S., relating to county funding of court-related functions; providing counties with an exemption from the requirement to annually increase certain expenditures by a specified percentage; directing the Department of Management Services to use a tenant broker to renegotiate certain leases and provide a report to the Legislature; authorizing funds available in the Audit and Warrant Clearing Trust Fund to be available for certain interest payments to the Federal Government; amending s. 624.502, F.S.; requiring that fees for service of process upon the Chief Financial Officer or Office of Insurance Regulation be deposited into the Administrative Trust Fund rather than the Insurance Regulatory Trust Fund; amending s. 161.143, F.S.; providing an allocation in the General Appropriations Act for inlet management funding; amending s. 375.041, F.S.; providing for the transfer of moneys from the Land Acquisition Trust Fund to support the Total Maximum Daily Loads Program and the Small Community Wastewater Treatment Grant Program; amending s. 373.59, F.S.; providing for the allocation and distribution of moneys from the Water Management Lands Trust Fund for certain purposes; amending s. 403.7095, F.S.; requiring the Department of Environmental Protection to award a specified amount in grants to certain counties for solid waste programs; authorizing the Department of Agriculture and Consumer Services to extend, revise, and renew current contracts or agreements created or entered into for the purpose of promotion of agriculture; amending s. 259.105, F.S.; providing that funds in the Florida Forever Trust Fund may be distributed only to the Division of State Lands for certain land acquisitions including conservation lands needed for military buffering or springs or water resources protection; amending s. 376.30711, F.S.; providing that competitive bidding for preapproved site rehabilitation is subject to the

requirements of s. 287.055, F.S.; prohibiting a state agency from initiating a competitive solicitation for a product or service under certain circumstances; authorizing the Executive Office of the Governor to transfer funds between departments for purposes of aligning amounts paid for risk management premiums and for purposes of aligning amounts paid for human resource management services; amending s. 110.123, F.S., relating to the state group insurance program; providing the amounts of the state's monthly contribution; amending s. 112.24, F.S.; providing conditions on the assignment of an employee of a state agency; reenacting s. 215.32, F.S., relating to the source and use of certain trust funds to implement the transfer of funds to the General Revenue Fund in the 2013-2014 General Appropriations Act; providing a legislative finding that the issuance of new debt is in the best interests of the state and necessary to address a critical state emergency; limiting the use of travel funds for state employees to activities that are critical to an agency's mission; providing exceptions; authorizing certain agencies to request the transfer of resources between Data Processing Services appropriation categories and appropriation categories for operation based upon changes to the data center services consolidation schedule; authorizing the Executive Office of the Governor to transfer funds appropriated for data processing between agencies; prohibiting an agency from transferring funds from a data processing category to any category other than another data processing category; authorizing the Executive Office of the Governor to transfer funds between agencies in order to allocate a reduction relating to SUNCOM; amending s. 110.12315, F.S.; reenacting provisions specifying copayment amounts for the state employees' prescription drug program; providing for reversion of statutory text of certain provisions; providing for the effect of a veto of one or more specific appropriations or provisos to which implementing language refers; providing for the continued operation of certain provisions notwithstanding a future repeal or expiration provided by this act; providing for severability; providing an effective date.

Rep. McKeel moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

**SB 1500**—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 2013, and ending June 30, 2014, to pay salaries, and other expenses, capital outlay-buildings, and other improvements, and for other specified purposes of the various agencies of state government; providing an effective date.

—was read the second time by title.

Representative McKeel offered the following:

(Amendment Bar Code: 281375)

**Amendment 1 (with title amendment)**—Remove everything after the enacting clause and insert:

The moneys contained herein are appropriated from the named funds for Fiscal Year 2013-2014 to the state agency indicated, as the amounts to be used to pay the salaries, other operational expenditures, and fixed capital outlay of the named agencies, and are in lieu of all moneys appropriated for these purposes in other sections of the Florida Statutes.

(See text of HB 5001, 1st Engrossed, 2013 Regular Session)

#### TITLE AMENDMENT

Remove everything before the enacting clause and insert:

A bill to be entitled

An act making appropriations; providing moneys for the annual period beginning July 1, 2013, and ending June 30, 2014, and supplemental appropriations for the period ending June 30, 2013, to pay salaries and other expenses, capital outlay—buildings and other improvements, and for other specified purposes of the various agencies of state government; providing effective dates.



Rep. McKeel moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

### Moments of Silence

At the request of Rep. Berman, the House observed a moment of silence in remembrance of the Holocaust and acknowledged April 8th as Holocaust Remembrance Day.

At the request of Rep. Thurston, the House observed a moment of silence for Donald Castor, father to Rep. Castor Dentel and former Hillsborough County judge, who died Tuesday, April 9, 2013.

At the request of Rep. Fresen, the House observed a moment of silence for Enrique Ros, Cuban exile leader in Miami, who died Thursday, April 11, 2013.

### Motion to Adjourn

Rep. Crisafulli moved that the House, after receiving reports, adjourn for the purpose of holding committee and subcommittee meetings and conducting other House business, to reconvene at 10:30 a.m., Friday, April 12, 2013, or upon the call of the Chair. The motion was agreed to.

### Cosponsors

HB 11—[Bracy](#)

CS/CS/HB 427—[Bracy](#)

CS/HB 607—[Bracy](#)

CS/HB 851—Stewart

CS/HB 1017—Rogers

CS/HM 1405—[Fitzenhagen](#), Ingram, Porter

### Introduction and Reference

By the Education Committee; Representative **O'Toole**—

**HB 7165**—A bill to be entitled An act relating to early learning; creating s. 1001.213, F.S.; creating the Office of Early Learning within the Department of Education; providing duties relating to the establishment and operation of the school readiness program and the Voluntary Prekindergarten Education Program; amending s. 1002.51, F.S.; conforming a cross-reference; amending s. 1002.53, F.S.; clarifying Voluntary Prekindergarten Education Program student enrollment provisions; amending s. 1002.55, F.S.; providing additional requirements for private prekindergarten providers and instructors; providing duties of the office; amending s. 1002.57, F.S.; requiring the office to adopt standards for a prekindergarten director credential; amending s. 1002.59, F.S.; requiring the office to adopt standards for training courses; amending s. 1002.61, F.S.; providing a requirement for a public school delivering the summer prekindergarten program; amending s. 1002.63, F.S.; providing a requirement for a public school delivering the school-year prekindergarten program; amending s. 1002.66, F.S.; deleting obsolete provisions; amending s. 1002.67, F.S.; requiring the office to adopt performance standards for students in the Voluntary Prekindergarten Education Program and approve curricula; revising provisions relating to removal of provider eligibility, submission of an improvement plan, and required corrective actions; amending s. 1002.69, F.S.; providing duties of the office relating to statewide kindergarten screening, kindergarten readiness rates, and good cause exemptions for providers; amending s. 1002.71, F.S.; revising provisions relating to payment of funds to providers; amending s.

1002.72, F.S.; providing for the release of Voluntary Prekindergarten Education Program student records for the purpose of investigations; amending s. 1002.75, F.S.; revising duties of the office for administering the Voluntary Prekindergarten Education Program; amending s. 1002.77, F.S.; revising provisions relating to the Florida Early Learning Advisory Council; amending s. 1002.79, F.S.; deleting certain State Board of Education rulemaking authority for the Voluntary Prekindergarten Education Program; creating part VI of ch. 1002, F.S., consisting of ss. 1002.81-1002.96, relating to the school readiness program; providing definitions; providing powers and duties of the Office of Early Learning; providing for early learning coalitions; providing early learning coalition powers and duties for the school readiness program; providing requirements for early learning coalition plans; providing a school readiness program education component; providing school readiness program eligibility and enrollment requirements; providing school readiness program provider standards and eligibility to deliver the school readiness program; providing school readiness program funding; providing a market rate schedule; providing for investigation of fraud or overpayment and penalties therefor; providing for child care and early childhood resource and referral; providing for school readiness program transportation services; providing for the Child Care Executive Partnership Program; providing for the Teacher Education and Compensation Helps scholarship program; providing for Early Head Start collaboration grants; transferring, renumbering, and amending s. 411.011, F.S., relating to the confidentiality of records of children in the school readiness program; revising provisions with respect to the release of records; amending s. 11.45, F.S.; conforming a cross-reference; amending s. 20.15, F.S.; conforming provisions; amending s. 196.198, F.S.; revising provisions relating to educational property tax exemption; amending s. 216.136, F.S.; conforming a cross-reference; amending s. 402.281, F.S.; revising requirements relating to receipt of a Gold Seal Quality Care designation; amending s. 402.302, F.S.; conforming a cross-reference; amending s. 402.305, F.S.; providing that certain child care after-school programs may provide meals through a federal program; amending ss. 445.023, 490.014, and 491.014, F.S.; conforming cross-references; amending s. 1001.11, F.S.; providing a duty of the Commissioner of Education relating to early learning programs; repealing s. 411.01, F.S., relating to the school readiness program and early learning coalitions; repealing s. 411.0101, F.S., relating to child care and early childhood resource and referral; repealing s. 411.01013, F.S., relating to the prevailing market rate schedule; repealing s. 411.01014, F.S., relating to school readiness transportation services; repealing s. 411.01015, F.S., relating to consultation to child care centers and family day care homes; repealing s. 411.0102, F.S., relating to the Child Care Executive Partnership Act; repealing s. 411.0103, F.S., relating to the Teacher Education and Compensation Helps scholarship program; repealing s. 411.0104, relating to Early Head Start collaboration grants; repealing s. 411.0105, F.S., relating to the Early Learning Opportunities Act and Even Start Family Literacy Programs; repealing s. 411.0106, F.S., relating to infants and toddlers in state-funded education and care programs; authorizing specified positions for the Office of Early Learning; requiring the office to develop a reorganization plan for the office and submit the plan to the Governor and the Legislature; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Energy & Utilities Subcommittee; Representative **J. Diaz**—

**HB 7167**—A bill to be entitled An act relating to cost recovery for nuclear and integrated gasification combined cycle power plants; amending s. 366.93, F.S.; revising provisions establishing alternative cost recovery mechanisms; revising provisions for the calculation of carrying costs; providing a timeframe for the recovery of specified costs; authorizing the Public Service Commission to approve recovery of costs after final licensure under certain conditions; providing for applicability; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).



## First Reading of Committee and Subcommittee Substitutes by Publication

By the Government Operations Appropriations Subcommittee; and Insurance & Banking Subcommittee; Representatives **Cummings, Oliva, Artiles, and R. Rodrigues**—

**CS/CS/HB 217**—A bill to be entitled An act relating to money services businesses; amending s. 560.310, F.S.; requiring licensees engaged in check cashing to submit certain transaction information to the Office of Financial Regulation related to the payment instruments cashed; requiring the office to maintain the transaction information in a centralized check cashing database; requiring the office to issue a competitive solicitation for a database to maintain certain transaction information relating to check cashing; authorizing the office to request funds and to submit draft legislation after certain requirements are met; authorizing the Financial Services Commission to adopt rules; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Health Care Appropriations Subcommittee; and Healthy Families Subcommittee; Representatives **Schwartz, Campbell, and Moraitis**—

**CS/CS/HB 317**—A bill to be entitled An act relating to mental health treatment; amending s. 916.107, F.S.; authorizing forensic and civil facilities to order the continuation of psychotherapeutics for individuals receiving such medications in the jail before admission; amending s. 916.13, F.S.; providing timeframes within which competency hearings must be held; amending s. 916.145, F.S.; revising the time for dismissal of certain charges for defendants that remain incompetent to proceed to trial; providing exceptions; amending s. 916.15, F.S.; providing a timeframe within which commitment hearings must be held; amending s. 985.19, F.S.; standardizing the protocols, procedures, diagnostic criteria, and information and findings that must be included in an expert's competency evaluation report; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Economic Development & Tourism Subcommittee; Representatives **Magar, Ahern, Combee, Renuart, R. Rodrigues, Rooney, Santiago, and Smith**—

**CS/HB 391**—A bill to be entitled An act relating to exemptions from the tax on sales, use, and other transactions; amending s. 212.08, F.S.; revising the sales tax exemption for certain business purchases of industrial machinery and equipment; deleting certain limitations on, and procedural requirements relating to, the exemption; deleting the sales tax exemption for machinery and equipment used for certain federal procurement contracts; conforming cross-references; amending ss. 212.0602, 220.183, 290.0056, 290.007, 627.5105, and 1011.94, F.S.; conforming cross-references; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Regulatory Affairs Committee; and Insurance & Banking Subcommittee; Representative **Fitzenhagen**—

**CS/CS/HB 493**—A bill to be entitled An act relating to security of protected consumer information; creating s. 501.0051, F.S.; providing definitions; authorizing the representative of a protected consumer to place a security freeze; requiring a consumer reporting agency to establish a record if the protected consumer does not have an existing consumer report; requiring a consumer reporting agency to provide written confirmation of a security freeze within a specified period; prohibiting a consumer reporting agency from stating or implying that a security freeze reflects a negative credit history or

rating; requiring a consumer reporting agency to remove a security freeze under specified conditions; providing for applicability; authorizing a consumer reporting agency to charge a fee for placing or removing a security freeze and for reissuing personal identification information; prohibiting a fee under certain circumstances; requiring written notification to change specified information in a protected consumer's record; providing exemptions; requiring a consumer reporting agency to notify a representative and provide specified information if the consumer reporting agency violates a security freeze; providing penalties and civil remedies; providing written disclosure requirements for consumer reporting agencies relating to protected consumer security freezes; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Appropriations Committee; and Government Operations Subcommittee; Representatives **Caldwell and Combee**—

**CS/CS/HB 599**—A bill to be entitled An act relating to publicly funded defined benefit retirement plans; amending s. 112.63, F.S.; deleting the requirement that required actuarial reports for retirement plans include a disclosure of the present value of the plan's benefits; amending s. 112.66, F.S.; providing that the state is not liable for shortfalls in local government retirement systems or plans; creating s. 112.664, F.S.; requiring a defined benefit system or plan to report certain information to the Department of Management Services by a certain date; requiring the plan sponsor to make certain information available on certain websites; providing consequences for failure to timely submit the required information; providing a method for a plan sponsor to request a hearing to contest such consequences; amending s. 112.665, F.S.; requiring the department to provide a fact sheet specifying certain information; providing a declaration of important state interest; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Judiciary Committee; and Criminal Justice Subcommittee; Representatives **Ahern, Grant, and Smith**—

**CS/CS/HB 691**—A bill to be entitled An act relating to personal identification theft; creating s. 817.5685, F.S.; defining the term "personal identification information"; providing that it is unlawful for a person to intentionally or knowingly possess, without authorization, any personal identification information of another person; providing criminal penalties; providing that possession of identification information of multiple individuals gives rise to an inference of illegality; providing enhanced criminal penalties for possession of such information of multiple persons; providing exemptions; providing that the section does not preclude the prosecution for the unlawful possession of personal identification information of another person under any other law; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Judiciary Committee; and Civil Justice Subcommittee; Representatives **Gaetz, Harrell, and Perry**—

**CS/CS/HB 827**—A bill to be entitled An act relating to medicine; amending s. 456.057, F.S.; revising provisions relating to disclosure of information provided to health care practitioners by patients; amending s. 766.106, F.S.; providing that in informal discovery, a prospective defendant or his or her legal representative may interview the claimant's treating health care providers without notice to or the presence of the claimant or the claimant's legal representative; amending s. 766.1065, F.S.; revising a form for release of health care information to expressly permit certain persons to interview specified health care providers without notice to or the presence of the patient or the patient's legal representative; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Appropriations Committee; and Judiciary Committee; Representative **Steube**—

**CS/CS/HB 905**—A bill to be entitled An act relating to family law; amending s. 61.30, F.S.; providing for consideration of time-sharing schedules or time-sharing arrangements as a factor in the adjustment of awards of child support; amending s. 90.204, F.S.; authorizing judges in family cases to take judicial notice of certain court records without prior notice to the parties when imminent danger to persons or property has been alleged and it is impractical to give prior notice; providing for a deferred opportunity to present evidence; requiring a notice of such judicial notice having been taken to be filed within a specified period; providing that the term "family cases" has the same meaning as provided in the Rules of Judicial Administration; amending ss. 741.30, 784.046, and 784.0485, F.S.; creating an exception to a prohibition against using evidence other than the verified pleading or affidavit in an ex parte hearing for a temporary injunction for protection against domestic violence, repeat violence, sexual violence, dating violence, or stalking; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Local & Federal Affairs Committee; and Business & Professional Regulation Subcommittee; Representatives **Brodeur** and **Santiago**—

**CS/CS/HB 973**—A bill to be entitled An act relating to alarm systems; amending s. 489.503, F.S.; revising an exemption from licensure related to low-voltage electrical work performed by certain persons and entities; exempting from licensure certain employees and sales representatives of alarm system contractors; providing for construction; creating s. 553.793, F.S.; providing definitions; providing for applicability; requiring local enforcement agencies to offer for sale uniform basic permit labels to contractors for a specified cost; requiring contractors to post an unused label in a specified place before commencing work on a low-voltage alarm system project; requiring contractors to submit a Uniform Notice of a Low-Voltage Alarm System Project within a specified period; prescribing a form for such notice; providing inspection procedures and requirements for low-voltage alarm system projects; prohibiting specified local governments from adopting or maintaining certain ordinances and rules; providing that an additional uniform basic permit label shall not be required to perform work on certain alarm systems; providing legislative intent; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Agriculture & Natural Resources Appropriations Subcommittee; and Agriculture & Natural Resources Subcommittee; Representatives **Patronis**, **Peters**, **Albritton**, **Combee**, **Hager**, **Pilon**, **Rooney**, and **Van Zant**—

**CS/CS/HB 999**—A bill to be entitled An act relating to environmental regulation; amending s. 20.255, F.S.; authorizing the Department of Environmental Protection to adopt rules requiring or incentivizing the electronic submission of certain forms, documents, fees, and reports; amending ss. 125.022 and 166.033, F.S.; providing requirements for the review of development permit applications by counties and municipalities; amending s. 211.3103, F.S.; revising the definition of "phosphate-related expenses" to include maintenance and restoration of certain lands; amending s. 253.0345, F.S.; revising provisions for the duration of leases and letters of consent issued by the Board of Trustees of the Internal Improvement Trust Fund for special events; providing conditions for fees relating to such leases and letters of consent; creating s. 253.0346, F.S.; defining the term "first-come, first-served basis"; providing conditions for the discount and waiver of lease fees and surcharges for certain marinas, boatyards, and marine retailers; providing applicability; amending s. 253.0347, F.S.; providing exemptions from lease fees for certain lessees; amending s. 373.118, F.S.; deleting

provisions requiring the department to adopt general permits for public marina facilities; deleting certain requirements under general permits for public marina facilities and mooring fields; limiting the number of vessels for mooring fields authorized under such permits; providing for the department to issue certain leases; amending s. 373.233, F.S.; clarifying conditions for competing consumptive use of water applications; amending s. 373.236, F.S.; prohibiting water management districts from reducing certain allocations as a result of seawater desalination plant activities; providing an exception; amending s. 373.308, F.S.; providing that issuance of well permits is the sole responsibility of water management districts, delegated local governments, and local county health departments; prohibiting certain counties and other government entities from imposing requirements and fees and establishing programs for installation and abandonment of groundwater wells; amending s. 373.323, F.S.; providing that licenses issued by water management districts are the only water well contractor licenses required for construction, repair, or abandonment of water wells; authorizing licensed water well contractors to install equipment for all water systems; amending s. 373.403, F.S.; defining the term "mean annual flood line"; amending s. 373.406, F.S.; exempting specified ponds, ditches, and wetlands from surface water management and storage requirements; exempting certain water control districts from certain wetlands regulation; amending s. 376.313, F.S.; holding harmless a person who discharges pollution pursuant to ch. 403, F.S.; amending s. 403.031, F.S.; defining the term "beneficiary"; amending s. 403.061, F.S.; authorizing the department to adopt rules requiring or incentivizing the electronic submission of certain forms, documents, fees, and reports; amending s. 403.0872, F.S.; extending the payment deadline of permit fees for major sources of air pollution and conforming the date for related notice by the department; revising provisions for the calculation of such annual fees; amending s. 403.088, F.S.; revising conditions for denial of water pollution operation permit applications; amending s. 403.7046, F.S.; providing requirements for the review of recovered materials dealer registration applications; providing that a recovered materials dealer may seek injunctive relief and damages for certain violations; amending s. 403.813, F.S.; revising conditions under which certain permits are not required for seawall restoration projects; creating s. 403.8141, F.S.; requiring the Department of Environmental Protection to establish general permits for special events; providing permit requirements; amending s. 403.973, F.S.; authorizing expedited permitting for natural gas pipelines, subject to specified certification; providing that natural gas pipelines are subject to certain requirements; providing that natural gas pipelines are eligible for certain review; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Economic Affairs Committee; and Transportation & Highway Safety Subcommittee; Representatives **Slosberg** and **Rooney**—

**CS/CS/HB 1005**—A bill to be entitled An act relating to motorist safety; authorizing the governing body of a county to create a yellow dot critical motorist medical information program for certain purposes; authorizing a county to solicit sponsorships for the medical information program and enter into an interlocal agreement with another county to solicit such sponsorships; authorizing the Department of Highway Safety and Motor Vehicles and the Department of Transportation to provide education and training and publicize the program; requiring the program to be free to participants; providing for applications to participate; providing for a yellow dot decal and a yellow dot folder to be issued to participants and a form containing specified information about the participant; providing procedures for use of the decal, folder, and form; providing for limited use of information on the forms by emergency medical responders; limiting liability of emergency medical responders; requiring the governing body of a participating county to adopt guidelines and procedures to ensure that confidential information is not made public; providing a contingent effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Economic Affairs Committee; and Transportation & Highway Safety Subcommittee; Representatives **Rader, Cruz, and Stewart**—

**CS/CS/HB 1019**—A bill to be entitled An act relating to motor vehicles; amending s. 316.3045, F.S.; revising provisions relating to the operation of radios or other soundmaking devices in vehicles; deleting a standard for determining prohibited sound levels; deleting an exception for vehicles operated for business or political purposes; specifying that such provisions do not prevent local authorities from regulating the time, place, and manner that such soundmaking devices may be operated within their respective jurisdictions; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Judiciary Committee; and Health Innovation Subcommittee; Representative **Reed**—

**CS/CS/HB 1021**—A bill to be entitled An act relating to background screening; amending s. 322.142, F.S.; allowing the Department of Highway Safety and Motor Vehicles to share driver license photographs with the Agency for Health Care Administration pursuant to an interagency agreement; amending s. 408.809, F.S.; adding additional disqualifying offenses to background screening provisions; amending s. 435.04, F.S.; revising information to be submitted for a background screening; adding additional disqualifying offenses; amending s. 435.07, F.S.; revising terminology; requiring that individuals seeking an exemption from disqualification must have completed all nonmonetary conditions imposed by the court for the disqualifying felony; requiring that all persons seeking an exemption from disqualification have paid any court-ordered monetary penalty in full before being eligible to apply; amending s. 435.12, F.S.; requiring that a photograph of the person taken at the time the fingerprints are processed be submitted to the Care Provider Background Screening Clearinghouse before submission of the electronic fingerprints; requiring specified information to be included with the initiation of the screening registration within the clearinghouse; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Local & Federal Affairs Committee; and Civil Justice Subcommittee; Representative **Goodson**—

**CS/CS/HB 1125**—A bill to be entitled An act relating to employers and employees; amending s. 34.01, F.S.; providing jurisdiction of county courts over wage theft civil actions; creating s. 448.115, F.S.; providing a definition for the term "wage theft"; creating a civil cause of action for wage theft; providing a procedure for filing of a civil action for wage theft; providing jurisdiction; requiring a claimant to notify the employer of the employee's intention to initiate a civil action; allotting the employer a specific time to resolve the action; providing a statute of limitations; requiring a claimant to prove wage theft by a preponderance of the evidence; prohibiting certain damages; authorizing a county, municipality, or political subdivision to establish a process by which a claim may be filed; prohibiting a local government from adopting or maintaining in effect a law, ordinance, or rule for the purpose of addressing unpaid wage claims; prohibiting the preemption of certain local laws, ordinances, and rules governing wage theft; providing that any regulation, ordinance, or other provision for recovery of unpaid wages by counties, municipalities, or political subdivisions is prohibited and preempted to the state; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Government Operations Appropriations Subcommittee; and Government Operations Subcommittee; Representative **La Rosa**—

**CS/CS/HB 1145**—A bill to be entitled An act relating to state-owned or state-leased space; amending s. 216.0152, F.S.; revising provisions relating to

the update of an inventory of certain facilities needing repairs or innovation maintained by the Department of Management Services; revising provisions relating to a report detailing an inventory of state-owned facilities; amending s. 253.031, F.S.; clarifying that deeds may be signed by agents of the Board of Trustees of the Internal Improvement Trust Fund; amending s. 253.034, F.S.; revising provisions relating to decisions by the board to surplus lands; revising the valuation of lands that are subject to certain requirements; requiring state entities to submit a business plan if a building or parcel is offered for use to the entity; amending s. 255.248, F.S.; defining the terms "managing agency" and "tenant broker"; amending s. 255.249, F.S.; revising the responsibilities of the Department of Management Services with respect to state-owned buildings; prohibiting a state agency from leasing space in a private building under certain circumstances; requiring an agency to notify the department of an early termination of a lease within a certain timeframe; authorizing the department to direct state agencies to occupy space in a state-owned building; revising the contents of the master leasing report; authorizing state agencies to use the services of a tenant broker to provide certain information to the department; requiring the title entity or managing agency to report any vacant or underutilized space to the department; amending s. 255.25, F.S.; revising requirements for the construction or lease of certain building space; revising an exemption that allows certain agencies to negotiate a replacement lease under certain circumstances; amending s. 255.252, F.S.; specifying that a vendor for certain energy efficiency contracts must be selected in accordance with state procurement requirements; amending s. 255.254, F.S.; revising provisions relating to requirements for energy performance analysis for certain buildings; amending s. 255.257, F.S.; requiring all state-owned facilities to report energy consumption and cost data; amending ss. 110.171 and 985.682, F.S.; conforming cross-references; providing effective dates.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Economic Development & Tourism Subcommittee; Representatives **Stewart, Antone, Campbell, Clarke-Reed, Fullwood, Gibbons, S. Jones, Lee, McGhee, Rogers, Rouson, Stafford, Taylor, and B. Watson**—

**CS/HB 1199**—A bill to be entitled An act relating to the Black Cultural Tourism Enhancement Commission; creating the commission within the Department of State; directing the commission to independently exercise its powers and duties; requiring the department to provide administrative and staff support services to the commission; providing the powers and duties of the commission; providing for the appointment and terms of commission members; providing for the reimbursement of per diem and travel expenses for commission members; authorizing the commission to establish or designate a direct-support organization for specified purposes; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Government Operations Appropriations Subcommittee; and Rulemaking Oversight & Repeal Subcommittee; Representatives **Adkins and Hood**—

**CS/CS/HB 1225**—A bill to be entitled An act relating to administrative procedures; amending s. 57.111, F.S.; providing conditions under which a proceeding is not substantially justified for purposes of an award under the Florida Equal Access to Justice Act; amending s. 120.55, F.S.; providing for publication of notices of rule development and of rules filed for adoption; providing additional notice of rule development, proposals, and adoptions; amending s. 120.56, F.S.; providing that the petitioner challenging a proposed rule or unadopted agency statement has the burden of establishing a prima facie case; amending s. 120.569, F.S.; providing for extension of time to render final agency action in certain circumstances; amending s. 120.57, F.S.; conforming proceedings opposing agency action based on an invalid rule or unadopted rule to proceedings for challenging rules; requiring notice of whether the agency will rely on the challenged rule or unadopted rule; providing for the administrative law judge to make certain findings and enter

a final order on the validity of the rule or the use of an unadopted rule; providing for stay of proceedings not involving disputed issues of fact upon timely filing of rule challenge; amending s. 120.573, F.S.; authorizing any party to request mediation of rule challenge and declaratory statement proceedings; amending s. 120.595, F.S.; providing for an award of attorney fees and costs in specified challenges to agency action; removing certain exceptions from requirements that attorney fees and costs be rendered against the agency in proceedings in which the petitioner prevails in a rule challenge; requiring service of notice of invalidity to an agency before bringing a rule challenge as a condition precedent to award of attorney fees and costs; providing for award of additional attorney fees and costs for litigating entitlement to and amount of attorney fees and costs in administrative actions; providing that such awards of additional attorney fees and costs are not subject to certain statutory limits; amending s. 120.68, F.S.; providing for appellate review of orders rendered in challenges to specified rules or unadopted rules; amending s. 120.695, F.S.; removing obsolete provisions with respect to required agency review and designation of minor violations; requiring agency review and certification of minor violation rules by a specified date; requiring reporting of agency failure to complete review and file certification of such rules; requiring minor violation certification for all rules adopted after a specified date; requiring public notice; providing for nonapplicability; amending ss. 420.9072, 420.9075, and 443.091, F.S.; conforming cross-references; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Appropriations Committee; and Business & Professional Regulation Subcommittee; Representative **Davis**—

**CS/CS/HB 1245**—A bill to be entitled An act relating to building construction; amending s. 162.12, F.S.; revising notice requirements in the Local Government Code Enforcement Boards Act; amending s. 381.0065, F.S.; specifying that certain actions relating to onsite sewage treatment and removal are not required if a bedroom is not added during a remodeling addition or modification to a single-family home; prohibiting a remodeling addition or modification from certain coverage or encroachment; authorizing a local health board to review specific plans; requiring a review to be completed within a specific time period after receipt of specific plans; amending s. 489.103, F.S.; exempting specified persons from licensure as a contractor; amending s. 489.105, F.S.; revising definitions; amending s. 489.127, F.S.; revising civil penalties; authorizing a local building department to retain 75 percent of certain fines collected if it transmits 25 percent to the Department of Business and Professional Regulation; amending s. 489.131, F.S.; deleting legislative intent referring to a local agency's enforcement of regulatory laws; deleting the definitions of "minor violation" and "notice of noncompliance"; deleting provisions that provide for what a notice of noncompliance should or should not include; deleting a provision that provides for further disciplinary proceedings for certain licensees; amending s. 489.514, F.S.; extending the date by which an applicant must make application for a contracting license to be grandfathered; amending s. 489.531, F.S.; revising a maximum civil penalty; amending s. 553.73, F.S.; prohibiting any provision of the International Residential Code relating to mandated fire sprinklers from incorporation into the Florida Building Code; amending s. 553.74, F.S.; revising the membership of the Florida Building Commission; amending s. 553.79, F.S.; authorizing a site plan to be maintained at the worksite as an electronic copy; requiring the copy to be open to inspection by certain officials; amending s. 553.842, F.S.; requiring an application for state approval of a certain product to be approved by the department after the application and related documentation are complete; amending ss. 553.901, 553.902, 553.903, 553.904, 553.905, and 553.906, F.S.; requiring the Florida Building Commission to adopt the Florida Building Code-Energy Conservation; conforming subsequent sections of the thermal efficiency code; amending s. 553.912, F.S.; providing that certain existing heating and cooling equipment is not required to meet the minimum equipment efficiencies; amending s. 553.991, F.S.; revising the

553.992, F.S.; requiring the department to administer statewide criteria for building energy-efficiency rating systems; requiring department rules to prohibit a sole provider from conducting functions relating to the building energy-efficiency rating system; amending s. 553.993, F.S.; providing definitions; amending s. 553.995, F.S.; deleting a minimum requirement for the building energy-efficiency rating system; revising language; requiring the interest group to advise the department in the adoption and administration of the system; deleting a provision that requires the interest group to assist in the implementation of the system by performing certain acts; requiring the department to approve, rather than develop, a training and certification program to certify raters; providing an appropriation; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Government Operations Appropriations Subcommittee; and Insurance & Banking Subcommittee; Representative **Nuñez**—

**CS/CS/HB 1247**—A bill to be entitled An act relating to the public model for hurricane loss projections; requiring the Office of Insurance Regulation to contract with Florida International University to enhance the capability of the model to predict and assess certain hurricane damage; providing an appropriation; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Transportation & Economic Development Appropriations Subcommittee; and Transportation & Highway Safety Subcommittee; Representative **Goodson**—

**CS/CS/HB 1299**—A bill to be entitled An act relating to transportation; amending provisions relating to outdoor advertising signs; amending s. 479.01, F.S.; revising and deleting definitions; amending s. 479.02, F.S.; revising powers of the Department of Transportation relating to nonconforming signs; deleting a requirement that the department adopt certain rules; creating s. 479.024, F.S.; limiting the placement of signs in commercial or industrial zones; defining the terms "parcel" and "utilities"; providing mandatory criteria for local governments to use in determining zoning for commercial or industrial parcels; providing that certain parcels are considered unzoned commercial or industrial areas; providing that specified uses may not be independently recognized as commercial or industrial areas; providing an appeal process for an applicant whose permit is denied; requiring an applicant whose application is denied to remove an existing sign pertaining to the application; requiring the department to reduce certain transportation funding in certain circumstances; amending s. 479.03, F.S.; providing for notice to owners of intervening privately owned lands before entering upon such lands to remove an illegal sign; amending s. 479.04, F.S.; providing that an outdoor advertising license is not required solely to erect outdoor signs or structures; amending s. 479.05, F.S.; authorizing the department to suspend a license for certain offenses and specifying activities that the licensee may engage in during the suspension; amending s. 479.07, F.S.; revising requirements for obtaining sign permits; conforming and clarifying provisions; revising sign placement requirements for signs on certain highways; revising provisions that establish a pilot program relating to placement; removing a permit reinstatement fee; amending s. 479.08, F.S.; clarifying provisions relating to the denial or revocation of a permit because of false or misleading information in the permit application; amending s. 479.10, F.S.; providing for cancellation of a permit; amending s. 479.105, F.S.; revising notice requirements to owners and advertisers relating to signs erected or maintained without a permit; revising procedures providing for the department to issue a permit as a conforming or nonconforming sign to the owner of an unpermitted sign; amending s. 479.106, F.S.; increasing an administrative penalty for illegally removing certain vegetation; amending s. 479.107, F.S.; deleting fines for certain signs on highway rights-of-way; amending s. 479.111, F.S.; clarifying provisions relating to signs allowed on certain highways; amending s. 479.15, F.S.; deleting a definition; clarifying

and conforming provisions related to permitted signs on property that is the subject of public acquisition; amending s. 479.156, F.S.; clarifying provisions related to the regulation of wall murals; amending s. 479.16, F.S.; providing that certain provisions relating to the regulation of signs may not be implemented or continued if such actions will adversely affect the allocation of federal funds to the department; exempting from permit requirements certain signs placed by tourist-oriented businesses, certain farm signs during harvest season, certain acknowledgement signs on publicly funded school premises, and certain displays on specific sports facilities; directing the department to notify a sign owner that the sign must be removed if federal funds are adversely impacted; requiring the sign to be removed; authorizing the department to remove the sign and assess costs to the sign owner under certain circumstances; amending s. 479.24, F.S.; clarifying provisions relating to compensation paid for the department's acquisition of lawful signs; amending s. 479.25, F.S.; requiring a local government to grant a variance or waiver to a local ordinance or regulation to allow the owner of a lawfully permitted sign to increase the height of the sign if a noise-attenuation barrier is permitted by or erected by a governmental entity in a way that interferes with the visibility of the sign; deleting provisions to conform; amending s. 479.261, F.S.; conforming provisions related to a logo sign program on limited access highways; amending s. 479.313, F.S.; requiring a permittee to pay the cost of removing certain signs following the cancellation of the permit for the sign; repealing s. 76 of ch. 2012-174, Laws of Florida, relating to a tourist-oriented commerce sign pilot program for small businesses; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Justice Appropriations Subcommittee; and Criminal Justice Subcommittee; Representatives **Spano, Albritton, Harrell, Hutson, Kerner, and Pilon**—

**CS/CS/HB 1325**—A bill to be entitled An act relating to victims of human trafficking; amending s. 90.803, F.S.; revising the mental, emotional, or developmental age of a child victim whose out-of-court statement describing specified criminal acts is admissible in evidence in certain instances; creating s. 943.0583, F.S.; providing definitions; providing for the expungement of the criminal history record of a victim of human trafficking; designating what offenses may be expunged; providing exceptions; providing that an expunged conviction is deemed to have been vacated due to a substantive defect in the underlying criminal proceedings; providing for a period in which such expungement must be sought; providing that official documentation of the victim's status as a human trafficking victim creates a presumption; providing a standard of proof absent official documentation; providing requirements for petitions; providing criminal penalties for false statements on such petitions; providing for parties to and service of such petitions; providing for electronic appearances of petitioners and attorneys at hearings; providing for orders of relief; providing for physical destruction of certain records; authorizing a person whose records are expunged to lawfully deny or fail to acknowledge the arrests covered by the expunged record; providing exceptions; providing that such lawful denial does not constitute perjury or subject the person to liability; providing that cross-references are considered general reference for the purpose of incorporation by reference; amending ss. 943.0582, 943.0585, 943.059, and 961.06, F.S.; conforming provisions to changes made by the act; providing an appropriation; providing for applicability; providing effective dates.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Select Committee on Claim Bills; Representative **Santiago**—

**CS/HB 1413**—A bill to be entitled An act for the relief of Monica Cantillo Acosta and Luis Alberto Cantillo Acosta, surviving children of Nhora Acosta, by Miami-Dade County; providing for an appropriation to compensate them for the wrongful death of their mother, Nhora Acosta, due to injuries sustained

as a result of the negligence of a Miami-Dade County bus driver; providing a limitation on the payment of fees and costs; providing an effective date.

Proof of Publication of the required notice was attached.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Judiciary Committee; Justice Appropriations Subcommittee; Health Quality Subcommittee; and Criminal Justice Subcommittee; Representatives **Kerner, Gaetz, Hood, Pilon, Raschein, Saunders, Slosberg, and Spano**—

**CS/CS/CS/HB 7005**—A bill to be entitled An act relating to massage establishments; amending s. 480.033, F.S.; revising the definition of the term "board-approved massage school"; amending s. 480.046, F.S.; providing additional grounds for the denial of a license or disciplinary action; amending s. 480.047, F.S.; revising penalties; creating s. 480.0475, F.S.; prohibiting the operation of a massage establishment during specified times; providing exceptions; prohibiting the use of a massage establishment as a principal domicile unless the establishment is zoned for residential use under a local ordinance; providing penalties; amending s. 823.05, F.S.; declaring that a massage establishment operating in violation of specified statutes is a nuisance that may be abated or enjoined; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Economic Affairs Committee; and Economic Development & Tourism Subcommittee; Representatives **Trujillo and Perry**—

**CS/HB 7019**—A bill to be entitled An act relating to development permits; amending ss. 125.022 and 166.033, F.S.; requiring counties and municipalities to attach certain disclaimers and include certain permit conditions when issuing development permits; amending s. 32, ch. 2012-205, Laws of Florida, relating to the extension of certain permits and authorizations issued by the Department of Environmental Protection, water management districts, and local governments; revising the date by which holders of such permits and authorizations are required to notify the authorizing agency of specified information; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Judiciary Committee; and Criminal Justice Subcommittee; Representatives **Harrell and Pilon**—

**CS/HB 7031**—A bill to be entitled An act relating to sex offenses; amending s. 90.803, F.S.; providing that an out-of-court statement by a child victim with a physical, mental, emotional, or developmental age of 16 or less rather than 11 or less describing specified criminal acts is admissible in evidence in certain instances; amending s. 775.21, F.S.; replacing the definition of the term "instant message name" with the definition of the term "Internet identifier"; providing that voluntary disclosure of specified information waives a disclosure exemption for such information; conforming provisions; adding additional offenses to the list of sexual predator qualifying offenses; requiring disclosure of additional information during the sexual predator registration process; requiring that a sexual predator who is unable to secure or update a driver license or identification card within a specified period must report specified information to the local sheriff's office within a specified period after such change with confirmation that he or she also reported such information to the Department of Highway Safety and Motor Vehicles; revising reporting requirements if a sexual predator plans to leave the United States for more than a specified period; providing criminal penalties for knowingly providing false registration information by act or omission; amending s. 800.03, F.S.; providing enhanced penalties for third or subsequent indecent exposure violations; amending s. 903.046, F.S.; requiring a court considering whether to release a defendant on bail to determine whether the defendant is subject to registration as a sexual offender or sexual predator and, if so, to hold the defendant without bail until the first appearance

on the case; providing an exception; amending s. 943.0435, F.S.; adding additional offenses to the list of sexual offender qualifying offenses; replacing the definition of the term "instant message name" with the definition of the term "Internet identifier"; conforming provisions; requiring disclosure of additional sexual offender registration information; requiring that a sexual offender who is unable to secure or update a driver license or identification card within a specified period must report specified information to the local sheriff's office within a specified period of such change with confirmation that he or she also reported such information to the Department of Highway Safety and Motor Vehicles; providing additional requirements for sexual offenders intending to reside outside of the United States; revising criteria applicable to provisions allowing removal from the requirement to register as a sexual offender; providing criminal penalties for knowingly providing false registration information by act or omission; amending s. 943.04351, F.S.; requiring a specified national search of registration information regarding sexual predators and sexual offenders before appointment or employment of persons by state agencies and governmental subdivisions; amending s. 943.04354, F.S.; revising the criteria applicable to provisions allowing removal of the requirement to register as a sexual offender or sexual predator; amending s. 943.0437, F.S.; replacing the term "instant message name" with the term "Internet identifier"; amending ss. 944.606 and 944.607, F.S.; adding additional offenses to the list of sexual offender qualifying offenses; replacing the definition of the term "instant message name" with the definition of the term "Internet identifier"; conforming provisions; requiring disclosure of additional registration information; providing criminal penalties for knowingly providing false registration information by act or omission; amending s. 947.005, F.S.; revising the definition of the term "risk assessment"; amending s. 948.31, F.S.; authorizing the court to require sexual offenders and sexual predators who are on probation or community control to undergo an evaluation to determine whether the offender or predator needs sexual offender treatment; requiring the probationer or community controllee to pay for the treatment; removing a provision prohibiting contact with minors if sexual offender treatment is recommended; amending ss. 985.481 and 985.4815, F.S.; requiring disclosure of additional registration information by certain sexual offenders adjudicated delinquent and certain juvenile sexual offenders; providing criminal penalties for knowingly providing false registration information by act or omission; amending s. 921.0022, F.S.; correcting references; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Economic Affairs Committee; and Transportation & Highway Safety Subcommittee; Representatives **Raschein** and **Campbell**—

**CS/HB 7117**—A bill to be entitled An act relating to transportation facility designations; providing honorary designations of various transportation facilities in specified counties; directing the Department of Transportation to erect suitable markers; authorizing the department to permit the erection of a specified marker under certain conditions; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Judiciary Committee; and Business & Professional Regulation Subcommittee; Representative **La Rosa**—

**CS/HB 7119**—A bill to be entitled An act relating to homeowners' associations; amending s. 34.01, F.S.; conforming a cross-reference; amending s. 468.436, F.S.; providing grounds for disciplinary actions against community association managers; amending s. 720.303, F.S.; requiring a homeowners' association to maintain an internal dispute resolution procedure in the association's official records; requiring official records to be maintained within a specified distance of the association for a specified time; authorizing associations to maintain such records online; requiring associations to permit members to take photographs of such records using portable devices at no charge; revising provisions allowing the association to charge fees for

personnel costs related to records access; requiring budgets to designate permissible uses of reserve accounts; requiring a community association manager, or the association in the absence of a community association manager, to report certain information to the Division of Florida Condominiums, Timeshares, and Mobile Homes; providing for expiration of reporting requirements; creating s. 720.3033, F.S.; requiring association directors to file with the association secretary written certification that they have read certain association documents, will uphold the documents, and will uphold their fiduciary responsibility to the members; providing for an educational certificate in lieu of written certification; providing that such certification or certificate is valid while the director is on the board; providing penalties for failure to file such certification or certificate; requiring the association to retain such certification or certificate for 5 years; requiring the board to follow specified procedures relating to contracts or transactions between the association and certain entities; providing for disclosure of the contract or transaction to members; providing for the cancellation of such contract or transaction under certain circumstances; prohibiting any association officer, director, or manager from soliciting or receiving certain personal benefits from any person providing or offering to provide goods or services to the association; providing for removal from office for violations; providing an exception; providing for the removal of any director or officer charged with a felony theft or embezzlement offense involving association funds or property; providing for the reinstatement of such person under certain circumstances; prohibiting a member with pending criminal charges from certain positions; requiring the association to maintain insurance or a bond to cover funds that will be in the custody of the association or its management agent; providing a definition; amending s. 720.306, F.S.; revising procedures for the election of directors; amending s. 720.307, F.S.; providing additional circumstances for authorizing members to elect a majority of association board members; providing circumstances under which members other than the developer are authorized to elect a specified number of members to the board of directors; amending s. 720.311, F.S.; requiring associations to adopt internal dispute resolution procedures; providing minimum requirements for such procedures; providing for an internal dispute resolution in the absence of a procedure adopted by the association; providing that certain resolutions and agreements are binding and judicially enforceable; amending s. 720.315, F.S.; prohibiting increases in assessments levied pursuant to the annual budget under certain circumstances; providing a definition; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Transportation & Economic Development Appropriations Subcommittee; and Transportation & Highway Safety Subcommittee; Representative **Raburn**—

**CS/HB 7125**—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 110.205, F.S.; providing that certain positions in the department are exempt from career service; amending s. 207.002, F.S., relating to the Florida Diesel Fuel and Motor Fuel Use Tax Act of 1981; deleting definitions of the terms "apportioned motor vehicle" and "apportionable vehicle"; amending s. 316.066, F.S.; authorizing the Department of Transportation to immediately receive a crash report; amending s. 316.081, F.S.; prohibiting a driver from driving at less than the posted speed in the furthestmost left-hand lane of a road, street, or highway having two or more lanes if being overtaken by a motor vehicle; providing exceptions; providing penalties; amending s. 316.1937, F.S.; revising operational specifications for ignition interlock devices; amending s. 316.2397, F.S.; exempting specified municipal officials from a prohibition against showing or displaying blue lights on a motor vehicle under certain conditions; amending s. 316.302, F.S.; revising provisions for certain commercial motor vehicles and transporters and shippers of hazardous materials; providing for application of specified federal regulations; removing a provision for application of specified provisions and federal regulations to transporting liquefied petroleum gas; amending s. 316.3025, F.S.; providing penalties for violation of specified federal regulations relating

to medical and physical requirements for commercial drivers while driving a commercial motor vehicle; revising provisions for seizure of motor vehicle for refusal to pay penalty; providing penalties for violation of specified federal regulations relating to commercial drivers and the use of mobile telephones and texting while driving a commercial motor vehicle; amending s. 316.545, F.S.; revising language relating to certain commercial motor vehicles not properly licensed and registered; amending s. 316.646, F.S., relating to proof of property damage liability security and display thereof; providing for proof of insurance in an electronic format and on an electronic device; providing conditions relating to the use of such electronic device; authorizing the department to adopt rules; amending s. 317.0016, F.S., relating to expedited services; removing a requirement that the department provide such service for certain certificates; amending s. 318.14, F.S.; relating to disposition of traffic citations; requiring the department to submit a report to the Legislature regarding the feasibility of roadside payment of traffic citations; providing that certain alternative procedures for certain traffic offenses are not available to a person who holds a commercial learner's permit; amending s. 318.1451, F.S.; revising provisions relating to driver improvement schools; removing a provision for a chief judge to establish requirements for the location of schools within a judicial circuit; removing a provision that authorizes a person to operate a driver improvement school; revising provisions for persons taking unapproved course; providing criteria for initial approval of courses; revising requirements for courses, course certificates, and course providers; directing the department to adopt rules; creating s. 319.141, F.S.; directing the department to conduct a pilot program to evaluate rebuilt vehicle inspection services performed by the private sector; providing definitions; providing for the department to enter into a memorandum of understanding with the private provider; providing minimum criteria and certain requirements; requiring the department to provide a report to the Legislature; providing for future expiration; amending s. 319.225, F.S.; revising provisions for certificates of title, reassignment of title, and forms; revising procedures for transfer of title; amending s. 319.23, F.S.; revising requirements for content of certificates of title and applications for title; amending s. 319.28, F.S.; revising provisions for transfer of ownership by operation of law when a motor vehicle or mobile home is repossessed; removing provisions for a certificate of repossession; amending s. 319.30, F.S.; defining the terms "National Motor Vehicle Title Information System," "nonrepairable vehicle," and "self-insured entity" as used in provisions for the dismantling, destruction, and change of identity of motor vehicles and mobile homes and salvage thereof; limiting the amount that a salvage motor vehicle dealer or a secondary metals recycler may require a lienholder to pay to recover a derelict vehicle purchased by the dealer or recycler; providing circumstances when a self-insured motor vehicle or mobile home is a total loss; revising procedures for disposition of salvage motor vehicles and mobile homes; requiring an insurance company to notify the National Motor Vehicle Title Information System; providing for the department to declare certain vehicles as nonrepairable and print a certificate of destruction; revising requirements for secondary metals recyclers and salvage motor vehicle dealers to maintain records; requiring such recyclers and dealers to make monthly notifications to the National Motor Vehicle Title Information System; requiring certain independent entities to notify the National Motor Vehicle Title Information System before disposition of a damaged or dismantled motor vehicle; requiring the independent entity to provide proof to the department of such notification when applying for a certificate of destruction or salvage certificate of title; requiring certain entities dealing in salvage motor vehicles to register with the National Motor Vehicle Title Information System; amending s. 319.323, F.S., relating to expedited services of the department; removing certificates of repossession; amending s. 320.01, F.S.; removing the definition of the term "apportioned motor vehicle"; revising the definition of the term "apportionable motor vehicle"; amending s. 320.02, F.S.; revising requirements for application for motor vehicle registration; providing for insurers to furnish proof-of-purchase cards in a paper or an electronic format; amending s. 320.03, F.S.; revising a provision for registration under the International Registration Plan; amending s. 320.071, F.S.; revising a provision for advance renewal of registration under the International Registration Plan; amending s. 320.0715, F.S.; revising provisions for vehicles required to be registered under the International Registration Plan; amending s. 320.089, F.S.; creating a special use license

plate for current or former members of the United States Armed Forces who participated in Operation Desert Storm or Operation Desert Shield; amending s. 320.18, F.S.; providing for withholding of motor vehicle or mobile home registration when a coowner has failed to register the motor vehicle or mobile home during a previous period when such registration was required; providing for cancelling a vehicle or vessel registration, driver license, identification card, or fuel-use tax decal if the coowner pays certain fees and other liabilities with a dishonored check; amending s. 320.27, F.S., relating to motor vehicle dealers; providing for extended periods for dealer licenses and supplemental licenses; providing fees; amending s. 320.62, F.S., relating to manufacturers, distributors, and importers of motor vehicles; providing for extended licensure periods; providing fees; amending s. 320.77, F.S., relating to mobile home dealers; providing for extended licensure periods; providing fees; amending s. 320.771, F.S., relating to recreational vehicle dealers; providing for extended licensure periods; providing fees; amending s. 320.8225, F.S., relating to mobile home and recreational vehicle manufacturers, distributors, and importers; providing for extended licensure periods; providing fees; amending s. 322.095, F.S.; requiring an applicant for a driver license to complete a traffic law and substance abuse education course; providing exceptions; revising procedures for evaluation and approval of such courses; revising criteria for such courses and the schools conducting the courses; providing for collection and disposition of certain fees; requiring providers to maintain records; directing the department to conduct effectiveness studies; requiring a provider to cease offering a course that fails the study; requiring courses to be updated at the request of the department; requiring providers to disclose certain information; requiring providers to submit course completion information to the department within a certain time period; prohibiting certain acts; providing that the department shall not accept certification from students; prohibiting a person convicted of certain crimes from conducting courses; directing the department to suspend course approval for certain purposes; providing for the department to deny, suspend, or revoke course approval for certain acts; providing for administrative hearing before final action denying, suspending, or revoking course approval; providing penalties for violations; amending s. 322.125, F.S.; revising criteria for members of the Medical Advisory Board; amending s. 322.135, F.S.; removing a provision that authorizes a tax collector to direct certain licensees to the department for examination or reexamination; amending s. 322.212, F.S.; providing penalties for certain violations involving application and testing for a commercial driver license or a commercial learner's permit; amending s. 322.22, F.S.; authorizing the department to withhold issuance or renewal of a driver license, identification card, vehicle or vessel registration, or fuel-use decal under certain circumstances; amending s. 322.245, F.S.; requiring a depository or clerk of court to electronically notify the department of a person's failure to pay support or comply with directives of the court; amending s. 322.25, F.S.; removing a provision for a court order to reinstate a person's driving privilege on a temporary basis when the person's license and driving privilege have been revoked under certain circumstances; amending ss. 322.2615 and 322.2616, F.S., relating to review of a license suspension when the driver had blood or breath alcohol at a certain level or the driver refused a test of his or her blood or breath to determine the alcohol level; revising provisions for informal and formal reviews; providing for the hearing officer to be designated by the department; authorizing the hearing officer to conduct hearings using telecommunications technology; revising procedures for enforcement of subpoenas; directing the department to issue a temporary driving permit or invalidate the suspension under certain circumstances; providing for construction of specified provisions; amending s. 322.64, F.S., relating to driving with unlawful blood-alcohol level or refusal to submit to breath, urine, or blood test by a commercial driver license holder or person driving a commercial motor vehicle; providing that a disqualification from driving a commercial motor vehicle is considered a conviction for certain purposes; revising the time period a person is disqualified from driving for alcohol-related violations; revising requirements for notice of the disqualification; providing that under the review of a disqualification the hearing officer shall consider the crash report; revising provisions for informal and formal reviews; providing for the hearing officer to be designated by the department; authorizing the hearing officer to conduct hearings using telecommunications technology; revising procedures for

enforcement of subpoenas; directing the department to issue a temporary driving permit or invalidate the suspension under certain circumstances; providing for construction of specified provisions; amending s. 322.2715, F.S.; providing requirements for issuance of a restricted license for a person convicted of a DUI offense if a medical waiver of placement of an ignition interlock device was given to such person; amending s. 322.28, F.S., relating to revocation of driver license for convictions of DUI offenses; providing that convictions occurring on the same date for offenses occurring on separate dates are considered separate convictions; removing a provision relating to a court order for reinstatement of a revoked license; repealing s. 322.331, F.S., relating to habitual traffic offenders; amending s. 322.61, F.S., revising provisions for disqualification from operating a commercial motor vehicle; providing for application of such provisions to persons holding a commercial learner's permit; revising the offenses for which certain disqualifications apply; amending s. 323.002, F.S.; providing that an unauthorized wrecker operator's wrecker, tow truck, or other motor vehicle used during certain offenses may be removed and impounded; requiring an unauthorized wrecker operator to disclose certain information in writing to the owner or operator of a motor vehicle and provide a copy of the disclosure to the owner or operator in the presence of a law enforcement officer if an officer is present; authorizing state and local government law enforcement officers to cause to be removed and impounded any wrecker, tow truck, or other motor vehicle used in violation of specified provisions; authorizing the authority that caused the removal and impoundment to assess a cost recovery fine; providing procedures and requirements for release of the vehicle; providing penalties; requiring that the unauthorized wrecker operator pay the fees associated with the removal and storage of the vehicle; amending s. 324.0221, F.S.; revising the actions which must be reported to the department by an insurer that has issued a policy providing personal injury protection coverage or property damage liability coverage; revising time allowed for submitting the report; amending s. 324.031, F.S.; revising the methods a vehicle owner or operator may use to prove financial responsibility; removing a provision for posting a bond with the department; amending s. 324.091, F.S.; revising provisions requiring motor vehicle owners and operators to provide evidence to the department of liability insurance coverage under certain circumstances; revising provisions for verification by insurers of such evidence; amending s. 324.161, F.S.; providing requirements for issuance of a certificate of insurance; requiring proof of a certificate of deposit of a certain amount of money in a financial institution; providing for power of attorney to be issued to the department for execution under certain circumstances; amending s. 328.01, F.S., relating to vessel titles; revising identification requirements for applications for a certificate of title; amending s. 328.48, F.S., relating to vessel registration; revising identification requirements for applications for vessel registration; amending s. 328.76, F.S., relating to vessel registration funds; revising provisions for funds to be deposited into the Highway Safety Operating Trust Fund; amending s. 713.585, F.S.; revising procedures and requirements for enforcement of lien by sale of motor vehicle when ownership is not established; revising provisions for establishing a good faith effort to locate the owner or lienholder; requiring the lienholder to make certain records checks, including records of the department and the National Motor Vehicle Title Information System and any state disclosed by the check of that system; revising requirements for notification to the local law enforcement agency; revising requirements for notification of the sale of the vehicle; revising documents and proofs the lienholder is required to furnish with a certificate of compliance filed with the clerk of the circuit court; requiring the lienholder to provide the department proof of checking the National Motor Vehicle Title Information System for application for transfer of title; amending s. 713.78, F.S.; revising provisions for enforcement of liens for recovering, towing, or storing a vehicle or vessel; providing a definition; providing for a lien on a vehicle or vessel when a landlord or the landlord's designee authorized removal after tenancy is terminated and specified conditions are met; revising provisions requiring notice to the owner, insurance company, and lienholders; revising procedures and requirements when ownership is not established; revising provisions for establishing a good faith effort to locate the owner or lienholder; requiring certain records checks, including records of the department and the National Motor Vehicle Title Information System and any state disclosed by the check of that system;

revising provisions for notice of sale; requiring that insurance company representatives shall be allowed to inspect the vehicle or vessel; providing that when the vehicle is to be sold for purposes of being dismantled, destroyed, or changed in such manner that it is not the motor vehicle or vessel described in the certificate of title, it must be reported to the National Motor Vehicle Title Information System and application made to the department for a certificate of destruction; amending ss. 212.08, 261.03, 316.2122, 316.2124, 316.21265, 316.3026, 316.550, 317.0003, 320.08, 320.0847, 322.271, 322.282, 324.023, 324.171, 324.191, 627.733, and 627.7415, F.S.; correcting cross-references and conforming provisions to changes made by the act; providing effective dates.

First reading by publication (Art. III, s. 7, Florida Constitution).

## Reference

**CS/CS/HB 159**—Referred to the Judiciary Committee.

**CS/CS/CS/HB 343**—Referred to the Calendar of the House.

**CS/CS/HB 347**—Referred to the Calendar of the House.

**CS/CS/HB 383**—Referred to the Calendar of the House.

**CS/CS/HB 437**—Referred to the Calendar of the House.

**CS/CS/CS/HB 465**—Referred to the Calendar of the House.

**CS/CS/HB 493**—Referred to the Calendar of the House.

**CS/CS/HB 635**—Referred to the Calendar of the House.

**CS/CS/HB 691**—Referred to the Calendar of the House.

**CS/CS/HB 717**—Referred to the Judiciary Committee.

**CS/CS/HB 801**—Referred to the Calendar of the House.

**CS/CS/CS/HB 803**—Referred to the Calendar of the House.

**CS/CS/HB 807**—Referred to the Calendar of the House.

**CS/CS/HB 831**—Referred to the Calendar of the House.

**CS/CS/HB 879**—Referred to the Economic Affairs Committee.

**CS/CS/CS/HB 883**—Referred to the Calendar of the House.

**CS/CS/HB 885**—Referred to the Calendar of the House.

**CS/CS/HB 1025**—Referred to the Calendar of the House.

**CS/CS/HB 1083**—Referred to the State Affairs Committee.

**CS/CS/HB 1085**—Referred to the Calendar of the House.

**CS/HB 1289**—Referred to the Economic Affairs Committee.

**CS/CS/HB 1299**—Referred to the Economic Affairs Committee.

**CS/CS/HB 1315**—Referred to the Health & Human Services Committee.

**CS/HB 7121**—Referred to the Calendar of the House.

**CS/HB 7135**—Referred to the Calendar of the House.

## House Resolutions Adopted by Publication

At the request of Rep. Berman—



**HR 9043**—A resolution designating the week of April 7-14, 2013, as the "Days of Remembrance" and April 8, 2013, as "Holocaust Remembrance Day" in the State of Florida.

WHEREAS, the Holocaust, the state-sponsored, systematic persecution and annihilation of European Jewry by Nazi Germany and its collaborators between 1933 and 1945, resulted in the murder of six million Jews, and

WHEREAS, in addition, Roma (Gypsies) and Poles were targeted for decimation for racial, ethnic, or national reasons, and millions more, including persons with disabilities, homosexuals, Jehovah's Witnesses, Soviet prisoners of war, and political dissidents, suffered grievous oppression and death under Nazi tyranny, and

WHEREAS, the history of the Holocaust offers an opportunity to reflect on the moral responsibilities of individuals, societies, and governments, particularly to remain vigilant against hatred, persecution, and tyranny, and

WHEREAS, pursuant to an Act of Congress (Public Law 96-388, October 7, 1980), the United States Holocaust Memorial Council has designated Sunday, April 7, through Sunday, April 14, 2013, as the "Days of Remembrance" for the victims of the Holocaust, including the Day of Remembrance known as Yom HaShoah on April 8, 2013, and

WHEREAS, in memory of the victims of the Holocaust, in honor of its survivors, and in utmost gratitude for the risks taken by rescuers and liberators, the citizens of the state are encouraged to rededicate themselves to the principles of human dignity and individual freedom in a just society, thereby ensuring that such atrocities are never repeated, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the week of April 7-14, 2013, is designated as the "Days of Remembrance" and April 8, 2013, is designated as "Holocaust Remembrance Day" in the State of Florida.

—was read and adopted by publication pursuant to Rule 10.17.

At the request of Rep. Campbell—

**HR 9083**—A resolution honoring the life and accomplishments of Asa Philip Randolph.

WHEREAS, born April 15, 1889, in Crescent City, Florida, Asa Philip Randolph was the second of two sons born to Reverend James William Randolph and Elizabeth Robinson Randolph, both strong supporters of equal rights for African Americans, and

WHEREAS, in 1891, after moving to Jacksonville, the family settled into a well-established African-American community where James and Elizabeth Randolph taught their children the importance of education and that color was less important than a person's character and conduct, and

WHEREAS, Asa Randolph attended the Cookman Institute in East Jacksonville, one of the first institutions of higher education for African Americans in the country, where he was valedictorian of his 1907 graduating class, and

WHEREAS, soon after moving to New York where he began to hone his views on the fight for social equality, Asa Randolph married Lucille Green, a Howard University graduate who shared his socialist politics, joined the Socialist Party, and he began to harangue the crowds at Harlem's soapbox corner, 135th Street and Lenox Avenue, about socialism and the importance of militant-class consciousness, and

WHEREAS, in 1917, William White, president of the Headwaiters and Sidewaiters Society of Greater New York, approached Asa Randolph and asked him in conjunction with close collaborator Chandler Owen to edit the Messenger, the monthly magazine of the society, and the first issue was published in November of that year, marking the debut of one of the most brilliantly edited magazines in the history of Black journalism, and

WHEREAS, as founding president of the Brotherhood of Sleeping Car Porters (BSCP), Asa Randolph sought to enter the union in the American Federation of Labor (AFL), which frequently barred blacks from membership, and in 1937 with the win of its first major contract with the Pullman Company the BSCP finalized its membership into the AFL, making

them the first successful African-American trade union in the United States, and

WHEREAS, becoming one of the most widely known spokespersons for black working class interests in the country, Asa Randolph called on the support of nearly 100,000 loyal Black citizens to march on Washington, D.C., to protest President Franklin D. Roosevelt's refusal to issue an executive order to ban discrimination against black workers in the defense industry, and

WHEREAS, six days before the march was to commence, President Roosevelt issued Executive Order No. 8802 on June 25, 1941, declaring "there shall be no discrimination in the employment of workers in defense industries or government because of race, creed, color, or national origin" in addition to establishing the Fair Employment Practices Commission to oversee the order, and

WHEREAS, Asa Randolph boldly founded the League for Nonviolent Civil Disobedience Against Military Segregation, urging young soldiers both black and white to refuse to cooperate with the injustice of Jim Crow, and the public outcries of military injustice rang loudly, pressuring President Harry S. Truman to order the end to military segregation on July 26, 1948, and

WHEREAS, drawing much-needed attention to civil rights issues in the South, Asa Philip Randolph was named chair of the 1963 March on Washington where Martin Luther King, Jr., gave his historic "I Have a Dream" speech, and in 1964 Asa Randolph was awarded the Presidential Medal of Freedom, and

WHEREAS, continuing his fight for economic justice, Randolph later formed the A. Philip Randolph Institute to promote trade unionism in the black community, and

WHEREAS, Asa Philip Randolph is considered one of the most prominent African-American trade unionists in American history and one of the strongest advocates for civil rights and racial equality, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That Asa Philip Randolph is honored and celebrated for a distinguished legacy of accomplishments and contributions that have bettered the lives of countless Americans.

—was read and adopted by publication pursuant to Rule 10.17.

## Reports of Standing Committees and Subcommittees

### Received April 10:

The Regulatory Affairs Committee reported the following favorably: CS/HB 493 with committee substitute

The above committee substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.19(c). Under the rule, CS/HB 493 was laid on the table.

The Judiciary Committee reported the following favorably: CS/HB 691 with committee substitute

The above committee substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.19(c). Under the rule, CS/HB 691 was laid on the table.

The Finance & Tax Subcommittee reported the following favorably: HB 1081

The above bill was transmitted to the next committee or subcommittee of reference, the Appropriations Committee.

The Transportation & Economic Development Appropriations Subcommittee reported the following favorably: HB 7125 with committee substitute

The above committee substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.19(c). Under the rule, HB 7125 was laid on the table.

**Received April 11:**

The Government Operations Appropriations Subcommittee reported the following favorably:

CS/HB 217 with committee substitute

The above committee substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.19(c). Under the rule, CS/HB 217 was laid on the table.

The Regulatory Affairs Committee reported the following favorably:  
CS/HB 277 with committee substitute

The above committee substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.19(c). Under the rule, CS/HB 277 was laid on the table.

The Health Care Appropriations Subcommittee reported the following favorably:

CS/HB 317 with committee substitute

The above committee substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.19(c). Under the rule, CS/HB 317 was laid on the table.

The Economic Development & Tourism Subcommittee reported the following favorably:

HB 391 with committee substitute

The above committee substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.19(c). Under the rule, HB 391 was laid on the table.

The Appropriations Committee reported the following favorably:  
CS/HB 495

The above committee substitute was placed on the Calendar of the House.

The Appropriations Committee reported the following favorably:  
CS/CS/HB 519

The above committee substitute was transmitted to the next committee or subcommittee of reference, the State Affairs Committee.

The Appropriations Committee reported the following favorably:  
CS/HB 599 with committee substitute

The above committee substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.19(c). Under the rule, CS/HB 599 was laid on the table.

The Appropriations Committee reported the following favorably:  
CS/HB 639

The above committee substitute was transmitted to the next committee or subcommittee of reference, the Health & Human Services Committee.

The Judiciary Committee reported the following favorably:  
CS/HB 827 with committee substitute

The above committee substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.19(c). Under the rule, CS/HB 827 was laid on the table.

The Appropriations Committee reported the following favorably:  
CS/HB 905 with committee substitute

The above committee substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.19(c). Under the rule, CS/HB 905 was laid on the table.

The Local & Federal Affairs Committee reported the following favorably:

CS/HB 973 with committee substitute

The above committee substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.19(c). Under the rule, CS/HB 973 was laid on the table.

The Agriculture & Natural Resources Appropriations Subcommittee reported the following favorably:

CS/HB 999 with committee substitute

The above committee substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.19(c). Under the rule, CS/HB 999 was laid on the table.

The Economic Affairs Committee reported the following favorably:  
CS/HB 1005 with committee substitute

The above committee substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.19(c). Under the rule, CS/HB 1005 was laid on the table.

The Appropriations Committee reported the following favorably:  
CS/HB 1017 with committee substitute

The above committee substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.19(c). Under the rule, CS/HB 1017 was laid on the table.

The Economic Affairs Committee reported the following favorably:  
CS/HB 1019 with committee substitute

The above committee substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.19(c). Under the rule, CS/HB 1019 was laid on the table.

The Judiciary Committee reported the following favorably:  
CS/HB 1021 with committee substitute

The above committee substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.19(c). Under the rule, CS/HB 1021 was laid on the table.

The Regulatory Affairs Committee reported the following favorably:  
HB 1067 with committee substitute

The above committee substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.19(c). Under the rule, HB 1067 was laid on the table.

The Appropriations Committee reported the following favorably:  
CS/HB 1093

The above committee substitute was transmitted to the next committee or subcommittee of reference, the Health & Human Services Committee.

The Local & Federal Affairs Committee reported the following favorably:  
CS/HB 1125 with committee substitute

The above committee substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.19(c). Under the rule, CS/HB 1125 was laid on the table.

The Government Operations Appropriations Subcommittee reported the following favorably:  
CS/HB 1145 with committee substitute

The above committee substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.19(c). Under the rule, CS/HB 1145 was laid on the table.

The Economic Development & Tourism Subcommittee reported the following favorably:  
HB 1199 with committee substitute

The above committee substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.19(c). Under the rule, HB 1199 was laid on the table.

The Government Operations Appropriations Subcommittee reported the following favorably:  
CS/HB 1225 with committee substitute

The above committee substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.19(c). Under the rule, CS/HB 1225 was laid on the table.

The Appropriations Committee reported the following favorably:  
CS/HB 1245 with committee substitute

The above committee substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.19(c). Under the rule, CS/HB 1245 was laid on the table.

The Government Operations Appropriations Subcommittee reported the following favorably:  
CS/HB 1247 with committee substitute

The above committee substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.19(c). Under the rule, CS/HB 1247 was laid on the table.

The Appropriations Committee reported the following favorably:  
CS/CS/HB 1295

The above committee substitute was placed on the Calendar of the House.

The Health Care Appropriations Subcommittee reported the following favorably:  
CS/HB 1319 with committee substitute

The above committee substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.19(c). Under the rule, CS/HB 1319 was laid on the table.

The Justice Appropriations Subcommittee reported the following favorably:  
CS/HB 1325 with committee substitute

The above committee substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.19(c). Under the rule, CS/HB 1325 was laid on the table.

The Appropriations Committee reported the following favorably:  
CS/HB 1357

The above committee substitute was transmitted to the next committee or subcommittee of reference, the Regulatory Affairs Committee.

The Select Committee on Claim Bills reported the following favorably:  
HB 1413 with committee substitute

The above committee substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.19(c). Under the rule, HB 1413 was laid on the table.

The Judiciary Committee reported the following favorably:  
CS/CS/HB 7005 with committee substitute

The above committee substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.19(c). Under the rule, CS/CS/HB 7005 was laid on the table.

The Economic Affairs Committee reported the following favorably:  
HB 7019 with committee substitute

The above committee substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.19(c). Under the rule, HB 7019 was laid on the table.

The Judiciary Committee reported the following favorably:  
HB 7031 with committee substitute

The above committee substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.19(c). Under the rule, HB 7031 was laid on the table.

The Economic Affairs Committee reported the following favorably:  
HB 7117 with committee substitute

The above committee substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.19(c). Under the rule, HB 7117 was laid on the table.

The Judiciary Committee reported the following favorably:  
HB 7119 with committee substitute

The above committee substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.19(c). Under the rule, HB 7119 was laid on the table.

The Transportation & Economic Development Appropriations Subcommittee reported the following favorably:  
HB 7127 with committee substitute

The above committee substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.19(c). Under the rule, HB 7127 was laid on the table.

### Excused

Reps. Castor Dentel, Ray

### Adjourned

Pursuant to the motion previously agreed to, the House adjourned at 5:31 p.m., to reconvene at 10:30 a.m., Friday, April 12, 2013, or upon call of the Chair.

**Pages and Messengers  
for the week of  
April 8-12, 2013**

Pages—Desmond Auber, Tallahassee; Julian Boaz, Tampa; Gabriel Cenedella, Tallahassee; Katherine Corcoran, Land O' Lakes; Madeline Jeffes, Hernando; William Morton, Sarasota; Francesco Pucci, Palm Harbor; Enrico Pucci, Palm Harbor; Jack Qualls, Boynton Beach; Michael Qualls, Boynton Beach; Foyt Ralston, Tallahassee; Lily Rasco, Ocala; Alani Triplett, Tallahassee; Hanna Triplett, Tallahassee; Logan Venclauskas, Tallahassee.

Messengers—Rebecca Baker, Tallahassee; Olivia Boaz, Tampa; William Christou, Weston; Adrian Dominguez, Doral; Julie Griner, Tallahassee; Caleb Johnson, Tallahassee; Madyson Mahler, Tallahassee; Makenzi Mahler, Tallahassee; Cristina Mateo, St. Augustine; Charles May, Dade City; Marra Sirianni, Tallahassee; Caprece Thomas, St. Petersburg.

## CHAMBER ACTIONS ON BILLS

Thursday, April 11, 2013

CS/HB	93 — Read 2nd time; Placed on 3rd reading	SB	1506 — Read 2nd time; Amendment 700635 adopted; Placed on 3rd reading
HB	191 — Substituted SB 338; Laid on Table, refer to SB 338	SB	1508 — Read 2nd time; Placed on 3rd reading; Amendment 035177 adopted
CS/HB	311 — Read 2nd time; Placed on 3rd reading	SB	1510 — Read 2nd time; Placed on 3rd reading; Amendment 554083 adopted
SB	338 — Substituted for HB 191; Read 2nd time; Placed on 3rd reading	SB	1512 — Read 2nd time; Amendment 022347 adopted; Placed on 3rd reading
CS/HB	353 — Read 2nd time; Amendment 392831 adopted; Amendment 280685 adopted; Placed on 3rd reading	SB	1514 — Read 2nd time; Amendment 319973 adopted; Placed on 3rd reading
CS for SB	406 — Read 2nd time; Placed on 3rd reading; Amendment 128631 adopted	SB	1516 — Read 2nd time; Amendment 605529 adopted; Placed on 3rd reading
CS/HB	423 — Read 2nd time; Placed on 3rd reading	SB	1518 — Read 2nd time; Amendment 719975 adopted; Placed on 3rd reading
CS/CS/HB	457 — Read 2nd time; Placed on 3rd reading	SB	1520 — Read 2nd time; Placed on 3rd reading; Amendment 874591 adopted
CS/CS/CS/HB	489 — Read 2nd time; Placed on 3rd reading	SB	1522 — Read 2nd time; Amendment 647783 adopted; Placed on 3rd reading
CS/CS/HB	537 — Read 2nd time; Placed on 3rd reading	CS for CS for SB	1660 — Read 2nd time; Placed on 3rd reading; Amendment 677843 adopted
CS/HB	571 — Read 2nd time; Placed on 3rd reading	CS for CS for SB	1720 — Read 2nd time; Amendment 348659 adopted; Placed on 3rd reading
CS/HB	607 — Read 2nd time; Placed on 3rd reading	CS for SB	1762 — Read 2nd time; Amendment 521089 adopted; Placed on 3rd reading
CS/HB	663 — Read 2nd time; Placed on 3rd reading	SB	1802 — Read 2nd time; Placed on 3rd reading; Amendment 797117 adopted
CS/CS/HB	707 — Temporarily postponed, on 2nd Reading	SB	1810 — Read 2nd time; Amendment 257161 adopted; Placed on 3rd reading
CS/HB	731 — Read 2nd time; Amendment 352993 adopted; Placed on 3rd reading	HB	4001 — Read 2nd time; Placed on 3rd reading
CS for CS for SB	878 — Read 2nd time; Placed on 3rd reading; Amendment 676895 adopted	HB	4013 — Read 2nd time; Placed on 3rd reading
HB	941 — Read 2nd time; Read 3rd time; Passed; YEAS 115, NAYS 0	HB	5001 — Read 2nd time; Amendment 990009 adopted; Amendment 990010 adopted; Amendment 990012 Failed; Temporarily postponed on 2nd reading; On Unfinished Business
CS/HB	943 — Read 2nd time; Read 3rd time; CS passed; YEAS 115, NAYS 0	HB	5003 — Read 2nd time; Temporarily postponed, on 2nd Reading
CS/HB	953 — Read 2nd time; Placed on 3rd reading	HB	5005 — Read 2nd time; Temporarily postponed, on 2nd Reading
CS for CS for SB	1076 — Read 2nd time; Placed on 3rd reading	HB	5007 — Read 2nd time; Temporarily postponed, on 2nd Reading
CS for SB	1096 — Substituted for CS/CS/HB 7001; Read 2nd time; Placed on 3rd reading	HB	5009 — Read 2nd time; Temporarily postponed, on 2nd Reading
SB	1500 — Read 2nd time; Amendment 281375 adopted; Placed on 3rd reading		
SB	1502 — Read 2nd time; Amendment 502333 adopted; Placed on 3rd reading		
SB	1504 — Read 2nd time; Placed on 3rd reading; Amendment 414313 adopted		

HB	5011 — Read 2nd time; Temporarily postponed, on 2nd Reading	HB	5601 — Read 2nd time; Amendment 165177 Failed; Temporarily postponed on 2nd reading; On Unfinished Business
HB	5013 — Read 2nd time; Temporarily postponed, on 2nd Reading	CS/CS/HB	7001 — Substituted CS/SB 1096; Laid on Table, refer to CS/SB 1096
CS/HB	5101 — Read 2nd time; Temporarily postponed, on 2nd Reading	CS/CS/HB	7023 — Read 2nd time; Placed on 3rd reading; Amendment 173333 adopted
HB	5201 — Read 2nd time; Temporarily postponed, on 2nd Reading	HB	7035 — Read 2nd time; Placed on 3rd reading
HB	5203 — Read 2nd time; Temporarily postponed, on 2nd Reading	CS/HB	7051 — Read 2nd time; Placed on 3rd reading
HB	5301 — Read 2nd time; Temporarily postponed, on 2nd Reading	CS/CS/HB	7091 — Read 2nd time; Amendment 270637 adopted; Temporarily postponed on 2nd reading; On Unfinished Business
HB	5401 — Read 2nd time; Placed on 3rd reading	HB	7099 — Read 2nd time; Temporarily postponed, on 2nd Reading
HB	5501 — Read 2nd time; Placed on 3rd reading		
HB	5503 — Read 2nd time; Placed on 3rd reading		

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